



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

October 6, 2009

The City Commission and staff met with representatives from the Kansas Department of Transportation concerning area transportation projects at 4:30 p.m.

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 Chestnut presiding and members Amyx, Cromwell, Dever, and Johnson present.

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval Mayor Chestnut proclaimed the month of October as “Meet the Blind Month” and October 15th as “White Cane Safety Day,” and recognized the Eutin Student Delegation.

Approval of the update to the 2008 CDBG R Substantial Amendment to the 2008 Consolidated Plan Investment Summary for Lawrence Community Shelter, 2176 East 23rd Street Property Acquisition for Emergency Shelter Site \$78,789, was deferred for one week.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to receive the Planning Commission meeting minutes of August 24-26, 2009 and the Hospital Board meeting minutes of August 19, 2009.

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to approve claims to 598 vendors in the amount of \$13,208,974.63. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to approve the Class B Club Drinking Establishment License for Brandon Woods Club II, 1501



Inverness Drive; the Drinking Establishment Licenses for Alvamar Country Club, 1809 Crossgate Drive; The Hawk, 1340 Ohio; Panda & Plum Garden, 1500 West 6th; Slow Ride Roadhouse, 1350 North 3rd; 715, 715 Massachusetts; Noodles & Company, 8 West 8th; Conroy's Pub, 3115 West 6th Ste: D; Tortas Jalisco, 534 Frontier Drive; Thai House, 711 West 23rd Street., Ste: 24; the Retail Liquor Licenses for 23rd Street Liquor, 945 East 23rd Street; On the Rocks Discount Liquor, 1818 Massachusetts; Riverridge Liquor, 454 North Iowa Ste: A; The Wine Cellar, 2100A West 25th Street; Jensen Retail Liquor, 620 West 9th Street; Alvin's Wine & Spirits, 4000 West 6th Street, Ste: K; Hillcrest Discount Liquor, 905 Iowa; and, the Caterer Licenses for Far Out Catering, 803 Massachusetts; and, New School Catering, 2223 Haskell Avenue. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to concur with the recommendation of the Mayor and reappoint Mike Bowman to the Board of Zoning Appeals/Sign Code Board of Appeals, to a term which will expire September 30, 2012; and, appoint Jason Barnhill, Scott Criqui, and Laura Diaz Moore to the Human Relations Commission, to terms which will expire September 30, 2012. Motion carried unanimously.

The City Commission reviewed the bids for (4) backstops and foul line fencing at the Youth Sports Complex for the Parks and Recreation Department. The bids were:

| BIDDER | BID AMOUNT |
|-------------------------|-------------------|
| Ameri Fence | \$22,565 |
| Ameri Fence, Alternate | \$24,253 |
| Gem Fence | \$26,200 |
| Gem Fence, Alternate | \$32,000 |
| Kansas Fencing | \$26,654 |
| McElhaney Fence | \$32,257 |
| KC Fence | \$31,760 |
| KC Fence, Alternate | \$32,790 |
| Collins & Hermann, Inc. | \$33,400 |
| Apex Fence | \$35,872 |

| | |
|------------------|----------|
| Reddi Industries | \$79,700 |
|------------------|----------|

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to award the bid to Ameri Fence, in the amount of \$22,565. Motion carried unanimously. (1)

The City Commission reviewed the bids for a cab and chassis for a CSI vehicle for the Police Department. The bids were:

| BIDDER | BID AMOUNT |
|--------------------------------|------------|
| Laird Noller Automotive | \$36,835 |
| Shawnee Mission Ford | \$38,805 |
| MBF Industries | \$61,136 |

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to award the bid to Laird Noller Automotive, in the amount of \$36,835. Motion carried unanimously. (2)

Ordinance No. 8460, amending the 2006 International Residential Code and 2006 International Plumbing Code to allow the use of CPVC piping in potable water supply systems, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (3)

Ordinance No. 8461, adopting the 2008 National Electrical Code to become effective January 1, 2010, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (4)

Ordinance No. 8453, for Text Amendment (TA-4-4-09), to various sections of the City of Lawrence Land Development Code to address implementation issues regarding Parking Standards, was read a second time. As part of the consent agenda, **it was moved by Dever**,

seconded by Cromwell, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (5)

Ordinance No. 8455, for Text Amendment (TA-6-15-09) amending Chapter 20, Article 10 (20-1001) of the City of Lawrence Land Development Code, standards for landscape plans, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to adopt Resolution No. 6865, authorizing the filing of applications with the Federal Transit Administration for Federal Transportation Assistance for the Transit System. Motion carried unanimously. (7)

As part of the consent agenda, it was moved by Dever, seconded by Cromwell to defer consideration of Ordinance No. 8387, the rezoning (Z-2-2-09) of 1725 New Hampshire Street from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip), until such time as the contract purchaser commits to close on the purchase of the property, or March 15, 2010, whichever was sooner. Motion carried unanimously, (8)

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to approve text amendments (TA-6-10-09 and TA-6-11-09), and adopt on first reading, Ordinance No. 8454, those text amendments to various sections of the City of Lawrence Land Development Code to permit the location of non-ground floor dwellings and work/live units in various zoning districts and for revisions to the standards for multi-dwelling structures in various zoning districts. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell** to approve text amendment (TA-7-18-09,) and adopt on first reading, Ordinance No. 8465, a text amendment for various sections of the City of Lawrence Land Development Code to (1) exempt certain projects in the CD, Downtown Commercial District, from site planning requirements, and

(2) revise certain requirements in Article 13 Development Review Procedures related to Major, Standard, and Minor Development Projects. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to approve the request by BG Consultants, on behalf of the developer, Fairway, LC, for a variance from city code 19-302(1)(B) to allow the installation of master water meters for townhouse buildings of less than 13 units, at 4300 West Place (Casitas). Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to approve a Substantial Amendment to the 2009 Consolidated Plan Investment Summary for Lawrence Community Shelter, 214 West 10th Street, for Shelter Improvements: Bathroom upgrade, Sprinkler System Installation, in the amount of \$24,950 from 2009 Contingency funds. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Dever, seconded by Cromwell**, to authorize the Mayor to sign a Release of Mortgage for Syed and Theresa Bari, 2524 Overlook Circle and Edna Abram, 944 Rockledge Road. Motion carried unanimously. (13)

CITY MANAGER'S REPORT:

David Corliss, City Manager, said notification was received that the City was awarded \$858,600 in Energy Efficiency and Conservation Block Grant funds (EECBG) through the Department of Energy as part of the American Recovery and Reinvestment Act and the grant submitted for the Climate Showcase Communities Program was not awarded; the City of Lawrence, in partnership with the Lawrence-Douglas County Housing Authority, was awarded \$648,000 by the Kansas Housing Resources Corporation to help families who were homeless or at risk of becoming homeless; the City received notification that KDOT contributed \$100,000 toward the cost of the Bowersock Dam maintenance project; sales tax distributions in the amount of \$2,378,837 were received as a result of retail sales from mid-July to mid-August; Planning staff worked on a number of projects aimed to bolster the city's efforts to increase bicycle and pedestrian activity, efforts to review the Urban Growth Area boundary, and public

education aimed at keeping neighbors informed on development projects; The City's compost sale was a success; On October 14, 2009 from 6:00 pm to 8:00 pm the Utilities Department and BG Consultants conducted a neighborhood information meeting regarding the Delaware and New Hampshire sewer projects; Information regarding the Oread Neighborhood Plan can be found on the city's website, a tentative date of December 8th, 2009 was set for the plan to go before the City Commission; The City received a letter from Kansas University outlining planned enhancements to the stadium area; New Amtrak signage at BNSF depot was installed; and, the Parks and Recreation Department hosted a free "National Gymnastic Day" on Saturday, September 12 which was attended by over 200 people.

Mayor Chestnut said he had conversations with the Community Coalition on Homelessness and had some appointments that were expiring at the end of the year. He said with a lot of important issues taking place, he suggested that staff come back to the City Commission with a draft proposal on extending those appointments and next spring review that entire process.

Mayor Chestnut said he also suggested staff look at where the City sat revenue versus planned. He said the City would have a short-fall for the budget.

Corliss said staff would draft a status report. He said staff reviewed a number of different general fund departments and found funds that would not be necessary for expenditure this year to drive down the City's expenditure level, below what was budgeted at 97% and move it toward 96%. (14)

REGULAR AGENDA

Receive H1N1 update from Dan Partridge of the Lawrence Douglas County Health Department.

Dan Partridge, Lawrence Douglas County Health Department, said he would discuss disease trends starting at the national level and working down to the local level. Influenza was not a reportable disease and hard numbers were not available. The CDC setup across the

nation and in the State of Kansas through KDHE, looked at sentinel sights, clinics and hospitals who reported patients with influenza like illnesses in the last 3 years.

In April 2009 H1N1 was reported in the United States, but was first reported in Mexico. He said 99% of the flu-like symptoms diagnosed were tested and confirmed to be H1N1 at the sentinel sights.

He said 2/3 of the H1N1 influenza reported was from a population of 24 years of age and under. Infants between 6 months and 6 years were eight times more likely to be hospitalized than an adult. The priority groups were:

- Care givers of infants from 0-6 months;
- 6 months to 24 years of age - disease most prevalent;
- Adults between the ages of 24 and 64 with health conditions;
- Health care workers and EMS; and,
- Pregnant women

The population for Douglas County was estimated at 114,000 and 55,000 to 60,000 of that population would be one of those priority groups. He said in the North East Kansas was the highest region that showed influenza like activity, compared to other regions.

At the local level, 25% of school illnesses were associated with influenza like illness, but the good news was that the severity in Douglas County was mild.

The Lawrence-Douglas County Health Department's mission was to reduce the peak burden on the social structure by stressing proper hand and cough hygiene; and education on disease recognition and social distancing for school systems, businesses and the general public.

The first shipment of the vaccine was scheduled early to mid-October and the plan was to provide multiple points of distribution. Community clinics were also scheduled at Haskell University and the Fairgrounds and would assist the University of Kansas in weekly flu clinics on

campus. Finally, school based clinics were scheduled for Lawrence, Eudora and Baldwin and staffing assistance was still needed.

He said the Lawrence-Douglas County's messages to the community was if a community member was not in one of the priority groups, to be patient so those who were most at risk for complications, were vaccinated first.

Mayor Chestnut said if the dates at the fairgrounds would be posted as well as the private providers on their website www.ldchealth.org.

Commissioner Amyx said if LDCH had heard about the effect that H1N1 had on businesses and their workers.

Partridge said he heard second hand reports of some hard hit industries in town, but not directly. He said one of their strategies was to work with community business partners. (15)

Receive request from the Sister cities Advisory Board to declare Iniades, Greece and Lawrence, Kansas as sister cities.

Bill Keel, Chair of the Lawrence Sister Cities Advisory Board, said they could look back now on 20 years of successful sister city relationships with Eutin Germany, and Hiratsuka Japan, formed in the fall of 1989, and in the spring of 1990. Over the last 10 years, they were actively studying other possibilities to establish additional sister city for Lawrence. Approximately 15 months ago they received an inquiry from Iniades, Greece that stemmed from the long standing KU summer theater program that was held in that city since the mid 1980's to consider a possible sister city relationship. The matter was referred to the new sister cities sub committee, chaired by Bob Schumm in August 2008. Over the course of the fall of 2008 a critical mass of interest developed in the community of Lawrence and in late October, they officially formed a Friends of Iniades group, chaired by Dennis and Karen Christilles. Dennis was the professor in the theater department who had taken the students to Iniades.

During the course of the spring and summer of 2009 they studied and worked on the possible programs that could emerge from this sister city relationship. In September of 2009

they were requested by the Friends of Iniades, to consider a recommendation to the City Commission to establish a formal sister city relationship between Lawrence and Iniades. The advisory board approved that recommendation and presented it for City Commission consideration.

Dennis Christilles, Co-Chair of Friends of Iniades, said he had taken groups to Iniades, Greece since 1997. The people of that city were very welcoming and gracious hosts and were anxious to establish a Sister Cities Program with Lawrence Kansas.

Dr. Andrew Tsubaki, Sabake, professor of Emeritus and Theater, was the person who started a study abroad program for students. In 1997, he was invited to go along and then to take over the program. It offered a lot of students the ability to step outside of the United States and to show people that the world was a lot larger and a lot smaller community and to make friends. He said he brought two students from the program, Angela Chrisostomou and Rachel Herman, to share some of their experiences. They hoped by next summer, to bring a group of Greek high school students to learn about Lawrence history and to share this culture.

Angela Chrisostomou, Greece, said she had the opportunity to go through the study abroad program in 2006, because of her knowledge of the Greek language. She said people from Greece love to see Americans come abroad and did everything they could to make the Americans comfortable and to feel like they were home. She said having Iniades, Greece, and Lawrence Kansas as a sister city would be the great and hoped it would happen.

Rochelle Herman said she studied abroad in 2008 and could not describe how much the children loved Americans. The American students taught the Greek children English and visa versa. The Greek children were taught how to play baseball and celebrated the 4th of July. She said it was a wonderful experience and would love Iniades, Greece to become one of Lawrence's Sister Cities.

Bob Schumm, Chair of New Sister Cities, said the genesis of sister cities started with Eisenhower, after seeing ravishes of war, to promote citizens diplomacy between individuals.

There were relationships built up over time with sister cities, Eutin, Germany and Hirotsika Japan, and hoped Iniades Greece could be added.

He said Ordinance No. 6700 stated the duties of Board which some of those duties were, "To seek, support, coordinate, foster and develop sister city exchange programs of an educational or charitable nature. Exchange activities sponsored by the Board may include but not be limited to social events providing cultural enrichments. Exchange activities may result in greater cultural understanding and subsequent business, economic and governmental relationships; and, Review opportunities for new sister city relationships with the City Commission.

He said in their research of a potential sister city, the Board asked six questions:

1. Was the country politically stable?
2. Was the country safe (crime & health)
3. The cost of travel to that country;
4. Probability of exchanging residents between each country;
5. The wiliness of both political bodies in signing an agreement; and,
6. The ability of both cities to form "friends groups."

Iniades Greece had a "friends group" of 25 members that were actively meeting. He said Iniades scored "yes" to all of those questions. He said their advisory board was making a recommendation to invite Iniades Greece to become one of Lawrence's Sister Cities. He said he visited Iniades with his wife, the Hodge's and their daughter Taylor for a first hand look.

Kathleen Hodge said Greece was the cradle of Western thought and politics, making this recommendation appropriate. She said her daughter had an interest in Greek mythology for many years, so this was an opportunity to see first hand, an ancient theatre, an ancient ship building location, and the old Greek Orthodox churches. She hoped the City Commission looked upon this recommendation favorably.

Mayor Chestnut called for public comment.

After receiving no public comment, Commissioner Dever said having Iniades Greece as a sister city was a great idea. He said there was a lot of work and effort that went into the selection of a sister city. He said he was in favor of the idea of another sister city and liked the Greek connection.

Commissioner Cromwell said he spent a lot of time reading Greek mythology to his children and it was a fantastic opportunity to embrace western heritage.

Vice Mayor Amyx said during the last elections, he was asked several times about the expansion of the sister cities program and was not in favor of the expansion. He said Schumm indicated there would be no additional dollars needed for this new sister city. He asked for an explanation.

Schumm said in the past five years, their board had set aside \$1,000 per year for the potential of a new sister city. At the end of last year, they had a total of \$6,000 that was specifically earmarked for this event. He said for a years worth of activity, the board spent a little over \$200, so it was a very cost effective program. Large doses of volunteerism made this endeavor possible. For the most part, people paid their own fares and meals, in large part it was a pay as you go program. The City was getting the most amount of bang for its buck of any type of city program.

He said he had several people say that another sister city was not needed, but that thought was couched with the understanding that there would be additional costs for this program. He said if this program was not costing any more to the City, he did not know if there was a genuine objection. He said the board agreed not to increase their budget requests until 2012.

He said the amount of sister cities in a community was based on the level of volunteerism. He said Greece, had 15 other US sister cities.

Vice Mayor Amyx asked why it was important in proceeding with this sister city agreement now.

Schumm said when he and his family and the Hodge family went to Iniades Greece in May, they received word that Iniades wanted to come to the US in October and since there was no additional cost, he saw no reason to hold back on making Iniades a Sister City.

Vice Mayor Amyx said his concern was what happened to the advisory board and the relationships the City currently had with the Sister Cities, if the City took a major hit in funding next year.

Schumm said there was enough genuine interest that the board would not go away and the Advisory Board could conduct fundraising on their own. He said he did not see 20 years of value going away because of a budget cut. He said this was about people to people, not about dollars and cents. The Board enjoyed the money they received because they focused that money for exchanges and programs. If the budget completely dried up, their board would still be present.

Mayor Chestnut said he appreciated the Vice Mayor's comments because time could not be forecasted. He said in spending the time with the delegation in Eutin, Germany, there was a lot of energy and a significant commitment to making those programs flourish, and the City had challenges in funding, he would want to work with the Advisory Board. He said it was a worthwhile program to pursue.

Vice Mayor Amyx said whatever the decision of Commission and his vote, it was no reflection on the sister cities program. He said because of the timing and his comments during the recent election, he must honor the decision he made at that time.

Moved by Cromwell, seconded by Dever to authorize the Mayor to execute appropriate documents establishing a sister cities relationship with Iniades, Greece. Aye: Chestnut, Cromwell, Dever, and Johnson. Nay: Amyx. Motion carried. (16)

Consider approving Rezoning Z-7-11-09, to rezone approximately 10.97 acres, located on SE corner of Iverness and Clinton Pkwy at 4300 w. 24th Place, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential). Submitted by BG Consultants Inc., for Iverness Park LP, property owner of record. Adopt on first reading, Ordinance

No. 8462, to rezone (Z-7-11-09) approximately 10.97 acres, located on SE corner of Inverness and Clinton Pkwy at 4300 W. 24th Place, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential).

Sandra Day, Planner, said the subject property was located at the corner of Clinton Parkway (arterial street) and Inverness (collector street). The land use immediately adjacent, along Inverness was RM12 zoning which included the Good Shepard Luthern Church, a series of duplex units, single-family detached housing, and a GPI zoning, which was Sunflower Elementary and Southwest Jr. High School, as well as Raintree Montessori school further down Clinton Parkway. The property was part of an original 160 acres, referred to as the Getto property, for the family name. As we looked at the developing of this property, the area north of the open space for future recreation path was zoned PUD (Planned Unit Development) there were a series of multi-family projects in that area. The open space provided a division between the more intense uses closer to Clinton Pkwy and the lower density residential and duplex area. Along the north side of Clinton Parkway was office use, veterinary clinic, a Planned Unit Development, a series of triplex or townhouse units and Bishop Seabury Academy. There are also residential uses further on Crossgate.

The subject property in the context of neighborhood, was the original 160 acres, it was reviewed as its own neighborhood at the time because the development pattern had already been set in the late 1990's.

The development pattern of this 160 acres included the lower density areas described earlier being separated by the drainage as well as providing a pedestrian path and recreation path through this area with future connections. When those two properties were developed, part of that planning included the requirement of pedestrian connectivity to that open space.

Staff looked at The Legends of KU multi-family in 1992 with a 2nd phase which ultimately became The Grove. Windham Place located along Crossgate was an elderly housing option and Remington Square was located adjacent to the subject property and located in the center portion of that area on the north side of 24th Place.

Staff also looked at surrounding land uses in a broader context which went back to some of the language in Horizon 2020 that directed where different land uses should be located. One of the key location criteria for higher density uses was to have good proximity to the transportation network. Staff found higher intensity uses along Clinton Parkway, although not all of those properties had direct access to Clinton Parkway and were using the adjacent street network, or the collector streets as this property would use those types of streets as well.

Staff looked at the comparisons between the two zoning districts, what it was zoned today and the proposed zoning. The property was currently zoned RSO or single family, residential, office zone. Prior to the adoption of the development code the property was zoned RO1B. The RO1B district was a multi-family residential office use and allowed the multi-family element. She said when the development code was adopted in 2006 that multi-family dropped out when the RSO was established for that property and that was part of the conversion of the development code in 2006.

The purpose of the RSO district really was as a buffer type of use, or a transitional type of use between more intense land uses and also to be found along more intensive street activities. Part of that use district allowed for a mix of land uses, that included both residential as well as medical office, personal improvement centers, things like fine arts could be taught, yoga centers were some of the uses found in the development code. Personal Improvements and office including banks and other types of administrative office uses would be allowed in this district today.

The RM15 district was one of those higher densities, multi-family uses, in the development code to choose from and those types of uses were found along arterial streets, or where there was access to transportation and other services.

She said with the RSO district and the RM15 district, the proposed zoning, both districts had a maximum density of 15 dwelling units per acre which was a gross number.

The 15 dwelling units per acres was considered to be a medium density, so we look at that range anywhere from 12 to 15 dwelling units.

The difference between this development pattern and a couple of other development patterns that were previous shown were how the utilities and streets were provided. This particular review came down to an assessment of the form the development was going to take, there were so many of the elements that was reviewed that were similar between the RSO district and the RM15 district that it became a very narrow analysis.

In this particular instance, there was a private street network with a series of individual units and some of those units were through condominium practices owned and other units were rental occupied. In the RSO district, this same type of development pattern could occur on the property, the difference being this would be a public street, there would be easements for utilities and each one of the units would be on its own lot, but could still be connected.

She said staff did a comparison of what the land uses were allowed and saw a quick summary in the purpose statements. She said residential uses were very comparable.

In the RSO district attached dwellings were allowed, the difference being, that those attached dwellings were on their own individual lot. In the RM15 district multi-family was allowed as well as other types of residential uses. However, when moving into some of the other categories some of those differences were seen. The differences were very narrow, until getting to the commercial element. This was where the RSO district allowed those personal improvements as well as the office uses that included banks, professional offices and those kinds of activities.

One of the questions that came up in the last couple of days was the notification. This was a public hearing item that went to the Planning Commission. The development code required notice be provided in the newspaper, as well as written notice to property owners and the posting of signs. Also, part of the application process was that the applicant provide to City staff, a list, certified by the County Clerk's office of properties within 200 feet. That was the list

by which City Staff made notice. The newspaper and the signs were tools that provided additional notice out to the community beyond that required boundary.

Staff received several communications and a couple of residents to the north, a resident to the far south as well as several property owners, both within that 200 foot boundary and several that were outside of the boundary.

A protest petition was submitted on this property and was analyzed by staff to determine whether or not it met the minimum requirements to be a valid petition. She said there were 9 technical properties that were included in that notice boundary and of those 8% of those properties were in protest, the minimum threshold was 20% of those properties. This particular petition did not rise to the threshold of being a valid protest petition.

Staff recommended approval following our analysis. The Planning Commission also forwarded to the City Commission a recommendation of 8 to1 in favor of the request. There were some concerns by the Planning Commission regarding the mix of both land uses as well as traffic. Staff received a traffic study with the sight plan and at this point there were no comments or concerns about the traffic study. The existing street network was sufficient and more than capable of handling the additional traffic that would result from proposed development.

Mayor Chestnut called for public comment.

Brian Jimenez, Lawrence resident, said he lived in the neighborhood immediately to the southwest with 65 single family homes, with 96% of those being owner occupied and lived at that location for almost 12 years. Within the last month, he called in his first noise complaint on The Grove which was 750 feet from his driveway. He said he had great concern that this proposed development would create additional concerns, not only for him, but his neighbors to the north and northeast.

As heard, the State regulatory requirement was to notify property owners within a 200 foot boundary. He said there were two properties in his neighborhood that were notified both

were on the corner of 24th and Inverness and one of those properties was a rental unit. The other property was the owner that went before the Planning Commission to voice their concern.

He said although the density requirements were the same with 15 dwelling units per acre, the way that land could be developed if changing from an RSO to RM15 was drastically different than what was allowed under the current zoning. The proposal was for 164 dwelling units with 22 buildings. He said he was not opposing that the land be developed, but he was concerned about this particular development with The Legends, The Grove which buffered their neighborhood, and Remington Square which was almost completed. If the City approved this request, there would be an additional 22 buildings at a prominent location.

He said regarding the density, they had not seen a proposal for a RSO development and what it would look like. The reason for this request, identified in the staff report, was to maximize the density. The approval of the original development asked for mixed use to provide transition within the neighborhood. He said RSO was a low to medium density. He said he would argue that the RM15 was viewed as a medium density in the development code, but when placing that type of zoning in with the current zoning, he could not see that area as a medium density.

The Planning Report stated the suitability of subject property for the uses that which had been restricted under the existing zoning regulations and the applicant's response was that the property was undevelopable if individual lots were required.

The applicant also stated that if this zoning did not go through, the lot would be undeveloped for an undetermined amount of time and would not be able to be sold. He said his response was that there were single-family homes in his neighborhood that sold within one to two months.

He said he was asking that the City Commission seriously consider how this might affect their neighborhood and his neighborhood was a tight knit group. He said a lot of his neighbors planned on staying in their homes for a long time.

He said traffic was also another concern. There was a frontage road off of Clinton Parkway and an unbelievable amount of traffic that used that frontage road to come back to Inverness and there was only one way to get back to Clinton Parkway, which was to go back to the roundabout at 24th Place and Inverness. There was also a quick comment in the Planning Commission report about the belief that a mixed use would increase the traffic flow, but there were no support of that comment. He said he argued that it would reduce the traffic flow.

Jamie Hulse, Gretchen Court, said traffic was a concern with the neighborhood. She was asking the City Commission to not approve the rezoning and there was no guarantee the current site plan would get built and developed.

She said what was presented to the neighborhood, at that time from Dial Realty, was a senior housing project that would be comparable to Brandon Woods. Dial Realty worked with the neighbors on site plans and made sure the neighbors felt comfortable with the transition in the neighborhood. She said it would have been an assisted living unit directly next to The Legends and the next building would be apartment living and further over were cul-de-sacs with duplexes. She said no one opposed the plan with the increased density, but the neighbors asked if the plan could be conditional, but were told “no.” She said that project was abandoned and now they had The Grove. She said the neighbors had a concern that if the City Commission approved this rezoning, it left the door open for potential of something much more significant in mass.

She said the crime statistics for a 22 building, 164 unit multi-family developments would have a higher crime rate. There were now leasing signs on every apartment complex from K-10 and Clinton Parkway, all the way to Kasold.

The applicant also said they were trying to appeal to young professionals and people in transitional living stages and not appealing to college students. However, when looking at the consent agenda for the City Commission, the applicant was asking for one water shut-off

because there was no washer or dryer in each unit and everyone had to go to one laundry facility.

Dave Olsen, Gretchen Court, said the density was too high for that area. He said their property value in that area had dropped because of those buildings. He said he was also concerned about traffic in the area and another high density property would not help.

Robert Hulse, Gretchen Court, said he had a concern about vacancy rates. He said it was not a comment about free market, but relative to changing something to provide a community need.

Recent census identified that there were 10,000 of 10 units or more in this community and 9400 were occupied which was a 6.1% vacancy rate. This year alone, the community had an addition of 326 units in The Exchange, 224 units in Remington Square, and 172 units in The Grove, which was 772 additional units added to a basis of 10,000 available units, the community had 10,772 units, and unless demand had significantly changed, 9,400 were still being occupied. As a result, that vacancy rate went from 6.1% to 12% in a year. The applicant's additional 164 units would add another percent and put the community over 13%. Even if there was an argument that there was an increase in demand, the increase in demand was not meeting the increase in supply.

He said the applicant was asking for a change in the zoning to be permitted to build these units. He said one needed to justify a community need and the community had a plentiful supply of this type of multi-family residential dwelling. Since this community had a plentiful supply of units, he asked why the community would justify a change in zoning when that change could be damaging to an adjacent neighborhood that was zoned RS7.

He said with regard to notification, the City might want to review policy with regard to notification to represent scale. There was a 10 acre development that was notifying residence 200 feet out. In this case, it was 9 properties that were notified for a ten acre development.

He said it was last rally cry, but it was well intended and if they did not have such busy lives and a better notification process, the neighbors might have been earlier available in the process and potentially could have had a better impact earlier on.

Larry Northrup, Lawrence resident, said this City had more college housing options than anywhere he had seen in the United States. This City had urban sprawl which caused a strain and expense on the City services and overbuilt with retail. The students that lived on Clinton Parkway would not drive downtown to get services and went down Kasold to South Iowa to get to the retail stores in that area.

The City had a reactionary process with development that was not healthy. Instead of planning the zoning that was acceptable for construction, the City reacted to the developers plans. This set up a confrontation between the developers and the community. The City needed to be out in front of the development process not reacting it to make a clear development process for everyone.

He said he would like to see a mix of land uses for that property which was the original intent and would like to see things happening throughout the community.

Tami Clark, Lawrence, said being a City Commissioner was time consuming because they invested themselves in to making this community a positive growing mix of that small town feel. She asked the City Commission to take into consideration the feelings of the people who lived in that neighborhood. She asked the Commission to make the developer abide by the original plan.

Steven Clark, Lawrence, said there was too much traffic in the area with their children walking to school. He said they were not against development, but would like to see development with intelligence and a conscience. He asked the City Commission to vote "no" on the rezoning.

Davis Loupe, Lawrence, said he was not opposed to development because it was necessary, but at this point, the City had done their share in building big apartment complexes.

He said this was a clear choice of short-term versus the long-term. He said the quality of life was what kept people in Lawrence. Maintaining appropriate zoning with appropriate densities of population was one thing that contributed to the quality of life. Those complexes were guided primarily by maximizing the income potential of their properties which was how it should be, but they left it up to the City to protect the quality of life by making appropriate zoning decisions based on the community at large. He said he could not say the owners could be held to their word because in the past, the owners could not follow the plans that were submitted.

He said before he decided to initially oppose the rezoning, he wanted to find out why it was being rezoned. He said the only reason for the rezoning was because the owner was having difficulty selling this lot. Perhaps it was because of the recession which could be the reason that property had not been developed. He said in the staff report, it stated that the owner would suffer an economic hardship if the land was not rezoned, but the City should not need to change its zoning because one landowner made a business decision that was impacted by a slow economy. He said even though it might ease one land owner's hardship, it created a hardship to their neighborhood and making their properties less attractive.

He said he had a residential lot in West Lawrence that he had a lot of trouble selling. He said if all he needed to do was to ask the City to rezone his property in order to get his property sold, he would apply, but thought it was a ridiculous argument and this was a bad argument for changing a zoning regulations. He said this was a classic case of short-term individual's needs that were trumping their long-term community needs. He said he was asking the City Commission to protect the long-term needs of the neighborhoods, rather than the short term needs of one landowner. He asked the City Commission to vote "no" to the rezoning.

America Grewal, Lawrence, said in May she was disappointed to find out that buses were cancelled for eleven schools in Lawrence. She said now, the City was looking at adding more traffic. She said since buses were cancelled, children had to cross the intersection at

Clinton Parkway and Inverness in which the crosswalk was faded. She requested from the City that crosswalk be repainted and was told it might be over a year.

She said regarding the additional traffic, the air quality would decrease and the noise level would increase, in addition to the noise that was voluntarily generated by the people in the apartment complexes.

Worst of all, physical activity would be discouraged and fewer people would be walking. She said she did not want the City Commission to go on record as wanting a less healthy community. She said she urged the City Commission to oppose this rezoning request.

Luke Sinclair, Lawrence, said his wife was the only person to oppose the rezoning request at the Planning Commission meeting and felt as though he needed to state his opinion. He said the neighborhood was in a "Catch 22" with the rezoning request and the site plan. He said there was a lot of traffic and noise in that area which would increase assuming those apartment complexes were built and occupied. He said he was requesting the City Commission deny this request and look to the neighborhoods interest and not just the interest of the developers.

Bridget Clark, Lawrence, said she supported everything her neighbors discussed and her biggest concern was the safety of the children. She said she was asking the City Commission oppose the rezoning.

Andrew Cooper, Lawrence, said it was important to discuss with the City Commission the issues of the safety of the children, traffic, and noise. He said he was not against development, but the number of apartment complexes in that area.

David Hamby, BG Consultants, representing the developer, said the RSO zoning allowed 15 units per acre as well as the RM15 zoning which was the units proposed for this development. One thing that was misleading by that unit and that density was that units could be 2 or 3 bedrooms and their proposal was 164, 1 bedroom units.

The developer was setting those units up for an adult and mature housing complex. There was no clubhouse or pool and it was set up for those young professionals, graduate students and set up as affordable type housing. The units rent for approximately \$500.00 a month which included all the utilities except for electricity.

The plans for the buildings were completed and a site plan had been submitted to planning. Comments from planning had already been received.

This unique development had 6 and 8 unit buildings and was one story units which had varying roof lines.

He said another concern mentioned was traffic. There was a traffic study submitted with the original development plan, back in 1999 with the office zoning. The trips generated with the office use were approximately 1303 average daily trips. He said their development was proposing 1118 average daily trips. He said it was more significant when looking at the morning peak hour projected with the apartments which were 85 trips per hour from that 7:00 am to 9:00 am peak period.

He said the roundabout had plenty of capacity and looked at it 20 years into the future with growth rate of the background traffic increasing 2% per year and they were still below the capacity of the roundabout on either side.

The building plans were completed and as soon as the site plan was approved, the developer was ready to begin. The Developer would use local contractors and subcontractors to build this project.

As far as occupancy rate, he had talked to another apartment owner who mentioned that their occupancy was about 95% at this time.

Commissioner Dever asked how long the current landowner had owned that parcel of land.

Hamby said the landowner was a realty company out of Nebraska and owned that property since 1999.

Commissioner Dever said if the application was submitted by the current landowner.

Hamby said the owner of the property was different from the applicant. The applicant had not bought the property yet.

Vice Mayor Amyx said the only thing that made those apartments fit at that location was because the zoning to east was RM15.

Hamby said correct.

Vice Mayor Amyx said if the request was simple to do because of the compatibility of the adjoining property.

Hamby said the use that they were proposing was allowed in the RSO zoning, with the exception of having to be on a single family lot. He said they could do those eight unit townhouses in the RSO Zoning, provided they had individual lots for each unit which would require platting in public streets with this proposal those were private streets and parking lots and the City would not need to maintain those areas.

Vice Mayor Amyx asked if Hamby was familiar with Placemakers.

Hamby said slightly.

Vice Mayor said the area was more than 10 acres. He asked if this type of in-fill development was considered.

Hamby said he could not speak for the owner, but knew it was hard to pull all the entities together. He said he thought maybe the original property owner had difficulty too.

Vice Mayor Amyx asked if Hamby was versed in what happen with the zoning and annexation in 1999. He asked if the property owner had been selling off the property incrementally.

Hamby said yes. He said he was not aware of anyone that developed any of those parcels accept for south of 24th Place. This was the first development in the area for the applicant.

Vice Mayor Amyx said he wanted to make sure a long-term mistake would not be made at this corner. He said by reading the Planning Commission reports, this was the only type of zoning that was looked at on that corner because that zoning was requested. He said he wanted to look at the entire picture.

Commissioner Johnson said if Hamby laid out a plan to see how many units would be under the RSO zoning

Hamby said no.

Commissioner Cromwell said if the requirements for RSO would result in a lower density, while the densities, by code, for both zonings were the same and if trying to do the same project with an RSO, it would result in a lower density because of the RSO requirements.

Hamby said yes, with the additional amount of land that was taken with the right-of-way.

Commissioner Johnson said he had history with the annexation and rezoning back in 1998 and 1999. He said the plan at that time, was not to build apartments. Obviously, things changed and that was how cities grew, but that was not the plan for this property. Planning Staff and the Planning Commission had done their job. He said he would be less sympathetic to a neighborhood crying foul when process was followed, but the neighborhood was on board with this development as far as the 160 acres which was changed over time. The area of that corner was to be senior living, patio concept with office. He said the neighbors were seeing the plan, they thought would be in that area, slip away. He said he did not feel comfortable moving ahead with rezoning that property.

Commissioner Dever said if this was the first public opportunity this neighborhood had to weigh in on the development that occurred on the southeast corner on both those two apartment complexes.

Scott McCullough, Planning Director, said Remington Square was an actual rezoning case. The notice would not have been as far west as this site because it was further east from this site.

Day said every time there was a project that required a public hearing, staff went through the same process that was described earlier. As the community became more educated in that process, a lot of time staff did not hear from those neighbors until it was in the neighbor's back yard. She said staff tried to spend time with those neighbor's, helping them understand how to communicate with the various boards and commissions and staff would facilitate that side of the process as well.

She said she was not working on the initial project that set out the initial zoning, but was involved more recently. The Grove was the most recent project and evolved out of the second phase of, "The Legends at KU." There were other sales so The Grove was a different owner than The Legends of KU. "The Grove" had a different model and because staff had gone through much public hearing, the neighborhood was concerned about what that project was going to look like and what was ended up with was a series of stepping down those building for more of a townhouse type structure along Inverness. There was a berm with a lot of dense planting and they had been working with the developer throughout this construction period to make sure that landscape was completed. When "The Grove" approached staff, the model that was proposed was very different than what was approved. The developer could continue construction with the development plan as it was approved or go through the public hearing process to change that plan. Staff advised the developer the neighborhood was very vocal and concerned about what form that area was going to take. Media treatments were also done in the public street that the developer had to agree to and when the property sold to "The Grove" those agreements carried forward.

Remington Square was a most recent project and was a rezoning request and also had the commercial zoning request for Walgreens which was ultimately withdrawn which would have added a commercial piece as well as those commercial services. Staff went through the public process with Remington Square, but did not recall there was much discussion.

Day said it was certainly one of the discussions with the applicant concerning density, buffering, and making that change from RSO to RM15. She said there were a lot of similarities between those districts which were more centered into that area and would have less direct impact into any of those immediate surrounding lower density residential uses.

Commissioner Dever asked when those public meetings were held.

Day said the rezoning was toward the end of 2007 and the PUD for The Legends at KU, was originally in place in early or mid 2000.

Hulse said the neighborhood was very involved in the beginning with Peridian Group and Dial, and did not oppose the plan because they believed the plan was real. She said the density change was the big sticking point. She said if she would have known that Remington Square was being constructed, she would have attended that City Commission meeting. She said all of the notification for "The Legends" was just the houses on the back side of Inverness.

Commissioner Dever said initially he was looking at this rezoning as a simple change with the same type of density and land use. He said he was impressed by the comments of the neighbors. He said he was not in favor of changing the zoning in order to suit development of the property for a variety of reasons, but mainly uphold what was currently in that area, and see if they could get some other clever development than what was presented to the City Commission.

Commissioner Cromwell said a number of the neighbors stated "walkability" as a concern and felt the zoning change was an effort to obtain a higher density in that particular parcel, but he was against that zoning change. He said they could be more creative with the zoning. He said he wanted to keep the zoning as an RSO district.

Vice Mayor Amyx said the City Commission only had the ability to refer the rezoning back to the Planning Commission.

McCullough said with a 4/5 vote, the City Commission could differ from the Planning Commission's recommendation. The Commission's options were by a super majority vote (4

out of 5), overturn the Planning Commission's recommendation or send it back with specific issues to discuss or approve it.

Mayor Chestnut asked if there was ever a sector plan complete around that area.

McCullough said no. There was no nodal, corridor or sector plan.

Mayor Chestnut said what the Commission envisioned 15 years ago for that area did not happen and incrementally changed.

He said because of the new development code, he asked how RO1B was different from RSO zoning.

McCullough said the most significant change was the RO1B which allowed multi-dwelling structures then restricted with the RSO (Residential Single-Family Office) with attached dwelling as a use permitted by special use.

Vice Mayor Amyx said if anything had been developed under RO1B.

Day said there three or four different types under the old code which was RO1A, RO1B, RO2. The RO2 zoning limited that residential element to be single family or duplex and the RO1A and RO1B had a density distinction between those two zonings. By and large, the RO districts were intended as mixed use, most often a single use, multi-family and was sure, under the old code that were multi-family.

Mayor Chestnut said he agreed with Commissioner Johnson's sentiment and did not want to talk about vacancy because it was not the Commission's process for determining how many shoe store or restaurants needed to be in town. He said a lot of density kept being added and consistently had problems with more than three people in single-family zoning.

He said there had been comments about the planning process, but staff was trying to get it right and believed that no matter what was done in considering rezoning, people would be at the Commission meeting.

He said he could not support this zoning because over a continuum of time, in the last 10 years, it was apparent this area had not worked. As far as incremental changes in that tract,

was thought to have some multi-family, mixed use and that type of development over that totality of 160 acres to a huge amount of apartment density.

He said the Planning Commission did their job as well as the Planning Staff interpreting the zoning, but the buck stopped at that point and the Commission had to make the decisions. He said he had a lot of respect for the property owner and applicant bringing this zoning forward, but he also agreed with the statement that the zoning went with the property and not the applicant. The fact that if they were ready to go and for any reason the RM15 fell through that zoning was present in perpetuity and the Commission had the responsibility to make sure those types of things happened with care.

Traffic was a problem, but traffic would be a problem for any development and there had been several comments about restaurants, but the zoning now would not accommodate that use. No restaurant or commercial retail was allowed in that area because RSO zoning did not allow those uses. The fact there might be another posting for a rezoning, but the zoning would need to be changed if there was any type of commercial development because the zoning right now did not support that use.

In-fill development was needed to avoid urban sprawl and somehow they needed to encourage development of that property because the more they utilized the infrastructure, the less they had to expand the city limits of the City of Lawrence.

He said he had a child at Raintree Elementary and three children go through Southwest Junior High School and he was concerned about the office development on that corner in contrast to Raintree right across the street because he knew the traffic count. Somehow that intersection needed to be figured out to handle all of that traffic from 7:30 a.m. to 9:00 a.m. and from 3:00 p.m. to 4:30 p.m., on that side of the street if putting in some type of development that had traffic running at the same time.

Moved by Amyx seconded by Cromwell to deny the recommendation of the Planning Commission to approve Rezoning (Z-7-11-09), a request to rezone approximately 10.97 acres,

located on SE corner of Inverness and Clinton Pkwy at 4300 West 24th Place, from RSO to RM15. Aye: Amyx, Chestnut, Cromwell, Dever, and Johnson. Nay: None. Motion carried unanimously. (17)

The Commission recessed at 9:20 p.m. for 10 minutes.

The City Commission reconvened at 9:30.

Receive request from Angie Blair to amend the current policy regarding parking on unimproved surfaces at 746 Mississippi during University of Kansas football games.

Angie Blair, Lawrence, said she was asking the City Commission to amend the current policy regarding parking on unimproved surfaces during KU football games to include 746 Mississippi.

Mayor Chestnut called for public comment.

After receiving no public comment, Vice Mayor Amyx asked if parking on unimproved surfaces during KU football games was an administrative change or on a case by case basis.

David Corliss, City Manager, said if the Commission decided, under the ordinance, that a specific location during KU home football game days was allowed, that location would be included in a policy, but not an ordinance.

Moved by Amyx, seconded by Dever to direct the City Manager to amend the administrative policy to allow game day parking at 746 Mississippi Street. Motion carried unanimously. (18)

Receive staff briefing on status of review of Parks and Recreation facility needs.

Mark Hecker, Assistant Director of Parks and Recreation, said regarding the 2010 Budget process, staff discussed a new recreation center in the community. He said LPRD offered more than 1800 recreational programs and activities each year and 23% more classes were offered in 2008. Staff continued to see growth in every recreation center.

Another on-going challenge the City faced was the school district's budget crunch and the reduction in their staff. Games and practices would not be available from those schools for youth sports.

He said regarding the 2007 PLAY Study, staff looked comprehensively at City programs through Parks and Recreation and School District.

He said staff looked at prioritizing projects by category which were: indoor recreation, outdoor recreation, park facilities, and trails. He said staff needed to assign priorities within each category and work on those priorities independently.

Staff requested that the City Commission authorize the City Manager to proceed with a process to identify and prioritize Parks & Recreation capital project needs and funding.

Vice Mayor Amyx said regarding prioritizing projects by category and public/private partnerships, he asked if the Parks and Recreation Board would be making recommendations and if the timing of those projects would be based on available money.

Hecker said after the process of prioritizing, staff would look at opportunities for funding, but there was no good funding source. He said staff needed to bring back to the City Commission each priority project and how those projects would be funded.

Mayor Chestnut called for public comment.

Fred DeVictor, member of PLAY (Partners for Lawrence Athletics and Youth) Committee, said the City, County, School District, and Chamber of Commerce pooled resources to look into some of the common needs of each organization. The overall goal of that committee was to evaluate the present state of athletic facilities and sports programs in Lawrence and to investigate the need for first class sports recreation facilities in the Lawrence community. He said a letter from Bonnie Lowe, Chair of the PLAY Committee, stated:

"This letter was to support the Parks and Recreation Department and its request to engage the community in discussion of its facility needs. PLAY had supported first analyzing the status of our athletic facilities followed by a comprehensive approach to begin meeting the

needs of our community. The PLAY study, from a few years ago, provided a great cooperative dialogue between the City of Lawrence, USD 497, Douglas County, and the Lawrence Chamber of Commerce to begin this discussion.

With the nearly completed renovation and newly constructed facilities at Lawrence High School and Free State High School, USD 497 made great strides in addressing their facility needs. While this initiative addressed many outdoor facilities, indoor facilities continued to be in need.

The sports programs, it was important to maintain a reasonable number of games as well as practices for youth to gain experience and to fully benefit from this activity. Parks and Recreation has made cuts in the number of games offered to teams participating in basketball and baseball league to insure that all youth had an opportunity to participate. In its basketball program, for example, Parks and Recreation had nearly a thousand youth participate in their recreation basketball league in 2008 which was an increase from the previous year. Addition of the competitive leagues added over 400 additional children to the number the department served.

With lack of facilities space, many other sports were not able to be offered including volleyball and year round basketball leagues. Space for indoor soccer in the winter months is needed to accommodate kids in this ever growing sport, plus the community continues to expect high quality programming in adult sports, fitness and dance which always uses space. Opportunities to continue to make Lawrence a very healthy, happy community by an increase in indoor space facilities will alleviate much stress on an overstressed system providing all citizens a greater opportunity to "PLAY" in a number of ways.

We understand there continues to be additional needs for outdoor facilities including baseball fields, parks and trails and encouraged our community to look for innovative ways to accommodate these activities, continuing a public/private partnership should be encouraged.

We believe it is important to focus on indoor facilities at this time, but if opportunities exist to promote the expansion of both indoor and outdoor facility simultaneously, they would be supportive of that initiative.”

He said their committee encouraged the City Commission to support the Parks and Recreation request and engage the community in discussion of facilities needs for the future.

Kevin Loos, Chair of Parks & Recreation Advisory Board, said it was time to talk about the 1994 sales tax going forward and there was a lot of hesitancy based on economics, but that money was available.

He said the three recommendations that were made pertaining to the public survey were: project opportunities; understand the opportunities for private/public partnerships; and, place a deadline by the end of the year to have the path forward, defined.

Mayor Chestnut said this was a good recommendation. He said he attended a few “PLAY” discussions and one topic was success factors for youth as far as getting involved in activities and the probabilities of those youth being much more successful in school and other things when involved whether it was Park & Rec activity or other activities in general.

He said he was encouraged by the accomplishments that were set out, such as the high school facilities, which were a huge step forward as well as the ground breaking for the Rails to Trails. He said some of those accomplishments came by plan and sometimes opportunistically, whether it was grant money or other opportunities that happened. It was good idea to engage the public again and they were open to as many ideas as possible.

Commissioner Cromwell said he was happy to see the push forward with the public in making sure the Commission was taking a hard look at what the community wanted and taking advantage of the opportunities that came along. He said he saw a need for more indoor basketball courts. He said it was great to see second generation project coming around.

Commissioner Johnson said he echoed the Commission comments and he would like to move forward and engage the community. He said he was in support of moving forward.

Commissioner Dever and Vice Mayor Amyx agreed.

Moved by Cromwell, seconded by Johnson to authorize the City Manager and staff to proceed with a process to identify and prioritize Parks & Recreation capital projects needs and funding. Motion carried unanimously. (19)

Consider authorizing the City Manager to implement a 2010 contribution increase waiver for employees with dependent health care coverage and a tobacco cessation program.

David Corliss, City Manager, said back in September staff presented the Health Care Plan for 2010 and he recommended a change with premiums which was that for those individuals that were charged a premium, those that had dependent coverage, they would not have the \$4.00 premium increase, if the employee would do a health risk appraisal and sign a declaration that they were not a tobacco user. He said staff looked at that program in response to Commission questions, that program had to be slightly modified in that staff was not able to base that premium reduction just based on a declaration that an employee was not a tobacco user. He said they had to offer that same reduction for an individual if they were going to be in a cessation program as well. He said staff had done research of other communities and knew the State of Kansas was doing something similar as well.

Vice Mayor Amyx said in the employee contribution discounts for Health Care Plan, the last sentence mentioned entering into a drawing.

Corliss said all the employees would be eligible for this drawing for something like an exercise bike in recognition that there were a number of employees that wanted to participate and were not necessarily going to have an increase because they had no family members.

Lori Carnahan, Personnel Manager, said the premiums were for those who carry dependents on their plan and staff wanted to have an incentive for employees that were individuals on the plan.

Mayor Chestnut called for public comment.

After receiving no public comment, Mayor Chestnut said he wanted to recognize Carnahan's work on this matter. There had been a lot of changes in the benefit plan over the last year which was a move in the right direction toward wellness because they were facing a lot of increases in health care costs. It was a combination of good plan design and the employee base using the plan judiciously. He said he supported the Health Risk Assessments to let people know their base line and indentifying their needs.

Vice Mayor Amyx said he appreciated staff taking into consideration, information the Commission wanted included and making it work.

Moved by Dever, seconded by Amyx to authorize City Manager to implement a 2010 contribution increase waiver for employees with dependent health care coverage and a tobacco cessation program. Motion passed unanimously. (20)

Receive report from the City Auditor regarding Solid Waste Performance Audit Scope.

Michael Englinski, City Auditor, said regarding the scope for a solid waste audit, he identified this general area as a concern and not performing as well as one hoped and getting worse over the last few years. He said he was looking at three main issues.

1. Are data on recycling and customer satisfaction reliable?
2. How does the City manage the task incentive approach?
3. Has management identified and implemented efficiencies to manage costs?

Mayor Chestnut said one area he wanted Eglinski to address was when looking at the costs increase, what were the allocations, depreciation, and things that were not necessarily controllable costs versus some of the things that just happened. He said he understood that it would be somewhat laborious process to do the calculations on the work groups that were not getting paid by clocking "in" or "out". Those hours were being recorded on a time card, but not in any electronic format. He said that data would be helpful.

He said he wanted to echo Commissioner Dever's idea of other alternatives. He said the biggest issue was to understand where that department was at 5 years ago and where they were at now.

He said he would like to know if the City's solid waste fees were significantly higher or lower than other communities because the Commission would be focusing on the cost side of the equation.

Commissioner Dever said they needed to discuss what the City was receiving, what the City was paying, other ways to subsidize what was being paid, the impact on the way the workers were paid, cost to operate the vehicles, and the amount of waste that was being generated and if the City needed to turn to a different measure of charging by the bin. He said without knowing how the change from collecting yard waste and how much impact that has had on the budget and the cost of operation. He said with the changes in the way waste companies were managing waste in Kansas City and eyeing the City's landfill and how much longer would the City be able to use that landfill. The point was the City could not assume the same set of realities, 10 years down the road.

Vice Mayor Amyx said regarding the question about management indentifying and implementing efficiencies to manage costs, he asked if staff would look at the effects of landfill costs.

Eglinski said yes.

Vice Mayor Amyx said he thought staff should be negotiating a deal with the landfill now.

Corliss said staff was looking at the enterprise fund and focusing on a number of those items and regarding the tax incentive system, it pin pointed an issue the Commission would see a recommendation the following week in the City acquiring a time and attendance software package.

Commissioner Cromwell said they moved from a \$600,000 surplus in 2003 to a \$750,000 deficit in this department. It was obvious this issue needed to be addressed. He said

the City might be looking at a greater need to reduce the City's waste stream from an economic standpoint. He said the City needed to try and encourage recycling in a cost effective way.

Corliss said that department received high ratings because that department consistently had done a good service and were out there in tough elements. He said that department provided a lot of services and it might be the issue, if the City could afford all of those services.

Commissioner Cromwell said the City might have been able to afford those services in 2003, but not now. (21)

PUBLIC COMMENT: NONE.

FUTURE AGENDA ITEMS:

- | | |
|----------|--|
| 10/13/09 | <input type="checkbox"/> Kasold, south of Clinton Parkway, Project discussion. |
| 10/20/09 | <input type="checkbox"/> Public hearing to discuss the condition of the dilapidated structure at 1232 Louisiana Street and to consider declaring the structure unsafe and ordering its repair or removal within a specified period of time. |
| 11/10/09 | <input type="checkbox"/> 2009 City employee longevity payments |
| TBD | <input type="checkbox"/> Ordinance concerning the Economic Development Board structure and composition. |
| | <input type="checkbox"/> Discussion of financing methods for traffic calming devices. |
| | <input type="checkbox"/> Fairfield East maximum special assessment hearing |
| | <input type="checkbox"/> Recycling report with comments from SAB |
| | <input type="checkbox"/> Consider a request from the Oread Neighborhood Association to enact a moratorium that would prohibit permitting Boarding Houses in the City of Lawrence while a text amendment to the Land Development Code to revise standards pertaining to Boarding Houses is processed. |
| | <input type="checkbox"/> Staff report regarding potential annexation of Westar Energy Center. |
| | <input type="checkbox"/> Discussion of non-tobacco user affidavit and smoking cessation programs for city employees. |
| | <input type="checkbox"/> Conduct public hearing and consider approving Site Plan SP-6-26-09, and the sidewalk dining and hospitality license, for the Granada, located 1020 Massachusetts Street. Submitted by Paul Werner Architects for Granada LLC., property owner of record. |

ACTIONS: Hold a public hearing. Find that the proposed sidewalk dining and hospitality use is in the public's interest, if appropriate.

Approve Site Plan SP-6-26-09, for a sidewalk dining and hospitality area for Mike Logan, Granada LLC, d/b/a The Granada, 1020 Massachusetts Street (submitted by Paul Werner for Granada LLC, property owner of record), if appropriate.

Approve sidewalk dining and hospitality license for The Granada, 1020 Massachusetts Street, and authorize the City Manager to enter into a [right-of-way agreement](#) with the applicant, if appropriate.

Adopt on first reading, [Ordinance No. 8459](#), allowing possession and consumption of alcoholic beverages on certain city property pursuant to The Granada Sidewalk Dining and Hospitality License, if appropriate.

COMMISSION ITEMS:

Moved by Dever, seconded by Amyx, to adjourn at 10:34 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF OCTOBER 6, 2009

1. Bid – backstops & foul line fencing for Parks & Rec to Ameri Fence for \$22,565.
2. Bid – Cab & Chassis for CSI vehicle for PD to Laird Noller for \$36,835.
3. Ordinance 8460 – 2nd Read, 2006 Int'l Residential Code & 2006 Int'l Plumbing Code to allow CPVC piping.
4. Ordinance 8461 – 2nd Read, 2008 Nat'l Electrical Code – Jan 2010.
5. Ordinance 8453 – 2nd Read, TA-4-4-09, various sections of City - Parking Standards.
6. Ordinance 8455 – 2nd Read, TA-6-15-09, Landscaping Plans.
7. Resolution 6865 – FTA assistance for Transit System.
8. Ordinance 8387 – deferred rezoning Z-2-2-09, 1725 New Hamp from RM24 to CS.
9. Ordinance 8454 – 1st Read, TA-6-10-09 & TA-6-11-09, non-ground floor dwellings & work/live units.
10. Ordinance 8465 - 1st Read, TA-7-18-09 exempt certain properties from CD District.
11. Variance – install master water meters to town houses at 4300 West Pl.
12. 2009 Consolidated Plan Investment Summary – Lawrence Community Shelter, 214 W 10th.
13. Mortgage Release – Bari at 2524 Overland & Abram at 944 Rockledge.
14. City Manager's Report.
15. H1N1 update – Lawrence/ Douglas Cnty Health Dept.
16. Sister Cities - Iniades, Greece community discussion.
17. Rezoning (Z-7-11-09) Denied 10.97 acres, SE corner of Inverness & Pkwy at 4300 West 24th Pl, RSO to RM15.
18. Admin Policy - allow game day parking at 746 Miss.
19. Identify & prioritize Parks & Recreation capital projects
20. 2010 Contribution increase waiver for employees with dependent health care coverage & a tobacco cessation program.
21. City Auditor - Solid Waste Performance Audit Scope.