



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

December 8, 2009

The Board of Commissioners of the City of Lawrence met in regular session at 5:00 p.m., in the City Commission Chambers in City Hall with Mayor Chestnut presiding and members Amyx, Cromwell, Dever, and Johnson present.

EXECUTIVE SESSION:

Moved by Cromwell, seconded by Dever, to recess into executive session for approximately one hour to discuss possible property acquisition and consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep possible terms and conditions of property acquisition and discussions with attorneys for the City confidential at this time. Motion carried unanimously.

The Commission returned to regular session at 6:04 p.m. at which time the Commission took a short break until 6:35 p.m.

The regular meeting resumed in the City Commission Room at 6:35 p.m.

The bid for Landscape Shop siding and insulation for the Parks & Recreation Department was deferred for one week. (1)

Midland Care Connection, Inc., request for City financial participation in required fire sprinkler system at 319 Perry Street, was deferred until December 15, 2009. (2)

RECOGNITION/PROCLAMATION/PRESENTATION: None

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Dever,** to approve City Commission meeting minutes from October 27, 2009. Motion carried unanimously



As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to receive minutes from the Mechanical Code Board of Appeals meeting of September 24, 2009 and the Aviation Advisory Board meeting of September 30, 2009. Motion carried unanimously.

As part of the consent agenda, it **was moved by Amyx, seconded by Dever**, to approve all claims to 385 vendors in the amount of \$4,215,038.65 and payroll from November 22, 2009 to December 5, 2009, in the amount of \$1,897,531.95. Motion carried unanimously.

As part of the consent agenda, it **was moved by Amyx, seconded by Dever**, to approve the Drinking Establishment Licenses for Chili's Grill & Bar, 2319 Iowa; and, the Salty Iguana Mexican Restaurant, 4931 West 6th Street. Motion carried unanimously.

The City Commission reviewed the bids for Phase 1 of 2008-2009 Watermain Replacement Program; Iowa Street, University Street, Orchard Lane, Yale Road and Westdale Road for the Utilities Department. The bids were:

| BIDDER | BID AMOUNT |
|-----------------------|-------------------|
| RD Johnson Excavating | \$840,665.00 |
| Nowak Construction | \$895,939.70 |
| Emcon, Inc. | \$936,971.00 |
| Redford Construction | \$1,059,423.00 |
| Rose-Lan Contractors | \$1,134,516.57 |
| Emerson Construction | \$1,402,542.00 |
| Engineer's Estimate | &974,430.00 |

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to award the low bid to Johnson Excavating in the amount of \$840,665, and authorize the City Manager to execute the contract. Motion carried unanimously. **(3)**

Ordinance No. 8474, rezoning (Z-8-16-09) of approximately 11.38 acres, located southeast of 31st and Kasold Drive, from RM12 (Multi-Dwelling Residential) and OS (Open Space) to the Floodplain Overlay District, was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. **(4)**

As part of the consent agenda, it **was moved by Amyx, seconded by Dever**, to approve and adopt on first reading, Ordinance No. 8479, annexing (A-12-4-09) approximately one acre of property, located at 1764 East 1300 Road (North Iowa). Motion carried unanimously. (5)

As part of the consent agenda, it **was moved by Amyx, seconded by Dever**, to authorize the Mayor to execute an agreement to renew the lease between the City of Lawrence and Mike Elwell for the Barb Wire Building, 8 East 6th Street. Motion carried unanimously. (6)

As part of the consent agenda, it **was moved by Amyx, seconded by Dever**, to approve the amended bylaws of the Lawrence-Douglas County Bicycle Advisory Committee. Motion carried unanimously. (7)

As part of the consent agenda, it **was moved by Amyx, seconded by Dever**, to authorize the Mayor to sign a Release of Mortgage for Kelly and Robert Kinder, 1402 East 18th Terrace. Motion carried unanimously. (8)

As part of the consent agenda, it **was moved by Amyx, seconded by Dever**, to authorize legal staff to sign Stipulation and Agreement in the Westar Energy case pending before the Kansas Corporation Commission. Motion carried unanimously. (9)

CITY MANAGER'S REPORT:

David Corliss, City Manager, said Westar Energy would begin tree trimming along power lines in the right-of-way on Kentucky Street, 7th Street and Watson Park; Notifications regarding 4300 West 24th Street rezoning reconsideration were mailed on November 30th for consideration at the December 15th City Commission meeting; an update on significant design revisions of 2nd and Locust; an update on 617 West 4th rehabilitation; mild fall weather allowed for an extra round of street sweeping; and, the City provided assistance to the Health Departments H1N1 Clinics. (10)

REGULAR AGENDA

Consider adopting joint City Resolution No. 6868/County Resolution No. 09-40, establishing the Lawrence-Douglas County Joint 2010 Census Complete Count Committee.

Sue Hack, Complete Count Committee Co-Chair, said they had met with Census Bureau Officials from Kansas City and identified barriers in the complete count; identified and met with stakeholders; and, prepared grant applications for promotional materials.

The census was a constitutionally required count of all U.S. residents every ten years and was used for establishing legislative districts in each state used for demographic information, planning and economic development purposes and the distribution of over 400 billion dollars to state and local communities based, in part, on that census data.

In 2008, Douglas County received 180 million dollars in grants. The formula for those grant allocations came from the census data. Some of the programs that benefited was WIC Program (Women, Infant, and Children Food Program), CDBG Program (Community Development Block Grant), school lunches, emergency shelter, home investments, highway planning and construction, safe and drug free schools and communities, federal health programs (Medicare/Medicaid), small business loans as well as national flood insurance.

One area of concern was making sure everyone was counted who resided in Douglas County and it was particularly important to count students. It was estimated that over a ten year period, \$5300 was lost in federal funding, per person, if individuals residing in this community were not counted. She said their challenge was making sure students were counted at the University of Kansas, Haskell Indian Nations University, and Baker University. The funds that came back supported our local community,

There was a unique system in Kansas and if looking at the Federal Census, the students were counted where they spend most of their time. If talking about State Census that dealt with State Legislative District, the students were counted where their family resided.

She said regarding the timeline, questionnaires were distributed in March and were distributed by random individuals representing their counties. The forms contained 10 questions and

took ten minutes or less to complete and should be returned by April 1 with follow up calls with census workers after that date.

Mayor Chestnut called for public comment.

After receiving no public comment, Mayor Chestnut said it was staggering number regarding the amount of money lost when not counting a person. He said he appreciated everyone getting involved in the census count because of its importance.

Moved by Dever, seconded by Amyx, to adopt City Resolution No. 6868/County Resolution No. 09-40, establishing the Lawrence-Douglas county Joint 2010 Census Complete Count Committee. Motion carried unanimously. (10)

Consider the following items related to the request from the Lawrence Douglas County bioscience Authority regarding the acquisition of the West Lawrence Labs facility, 4950 Research Parkway:

- A. Consider approving the recommendation of the Public Incentives Review Committee to purchase the West Lawrence Labs facility at 4950 Research Parkway;**
- B. Authorize the Mayor to execute the finalized City-County Cooperation Agreement;**
- C. Adopt on first reading, Ordinance No. 8480, authorizing the issuance of General Obligation Bonds in the amount of \$2.9 million for the purchase and improvement of the West Lawrence Labs building.**

David Corliss, City Manager, said the City Commission was briefed on this acquisition and was receiving the recommendation from the Public Incentive Review Committee (PIRC) to proceed with the acquisition of the property. He said staff was at the point of finalizing the City/County Cooperation Agreement subject to final legal review. He said staff was also asking the City Commission to adopt on first reading, Ordinance No. 8480, authorizing the issuance of the bonds in the amount of 2.9 million dollars. In addition, it was appropriate while approving the acquisition of the purchase, to authorize the City Manager to execute the contract for sale, once finalized and based on the terms.

Vice Mayor Amyx said the City would have a facility that was the next step up from the incubator facility providing GMP Lab space to grow those types of companies. He said students graduate from Kansas University every year with technical degrees and it was time to find

places for those young people to work. He said this was an on-going part of the development of biosciences in Lawrence.

Mayor Chestnut called for public comment.

After receiving no public comment, Commissioner Dever said he would like to address the major issues that were discussed specifically, purchase price; calculated rent rates for the property; and, better handled by the private sector.

Mayor Chestnut said discussion regarding the purchase price and a County appraisal took place based on: recognizing there were few wet lab facilities to compare; income generated; and, the building not significantly occupied. The facility was appraised at 1.5 million. The cost to build a greenfield project was discussed and with the additional improvements, the cost was approximately \$166 a square foot and the area of \$300 a square foot to acquire the land. Discussion about the Lawrence/Douglas County Bioscience Authority's vision was to acquire a graduation facility and some type of construction at some point. The land acquisition represented a bargain purchase in some people's minds. He said CritiTech filled 22% of the space and they were willing to sign a long-term lease agreement that preserved those jobs in Lawrence for at least, a period of five years, but he did not think CritiTech had any intention of leaving.

Vice Mayor Amyx said CritiTech agreed to an increase in rent and the valuation of the property was changed according to the County Appraiser. He said with the costs of this type of building and land acquisition, this was a great deal. A GMP (Good Manufacturing Practices) space, housing this bioscience firm, could not be built with the amount of money being spent, even adding the improvements to the HVAC system.

Commissioner Dever said the appraisal was the 2004 appraisal which was about 5 million dollars.

Vice Mayor Amyx said the key was how the appraisal was approached.

Commissioner Dever said former Commissioner Highberger talked about wanting an appraisal and had seen comments about the appraisal not being helpful. He said did it seem reasonable to presume that somewhere between \$5 million dollars and \$980,000 was where they were coming up with the value. He said the public needed input on why the City was not seeking an appraisal on a building the City was purchasing and how the number was derived. He said he did not see an appraisal discussion in the PIRC (Public Incentive Review Committee) meeting minutes.

Mayor Chestnut said from his view an appraisal would be a difficult challenge to conduct because it was not like appraising an apartment complex. He said PIRC felt that it was the price that was going to essentially cover the debt against the building with a selling cost, but nothing more than that. He said Roger Zalneraitis, City's Economic Development Coordinator, worked at it from a standpoint that given that price, with CritiTech being at their level, what was the possible outflow which was minimal, about 20 to 30 thousand dollar a year between the City and County. Kansas University had already taken an option for a year and might or might not take some of the space which helped offset some of the earlier costs. He said he was not sure what an appraisal would have done to add to the decision making at that point. The appraisal probably would have been a number that would have taken a whole bunch of set factors. He said the City was in the unique position to secure the jobs at CritiTech, but also acquire an asset on what he considered, looking purely at construction standpoint, a very good deal.

He said there had been several groups that had left Lawrence because no lab space was available and there seemed to be a fairly good calculated analysis that full occupancy would not take place for another 5 or 6 years. He said given those assumptions and a lot of other assumptions about the utilities being mitigated by the City's investment on the HVAC, would make the building much more leasable, and were all very reasonable assumptions that the City's exposure was minimal and presented an economic development opportunity for the City.

Again, he said he was not sure how the appraisal would add anymore to the decision making and that was the majority decision of PIRC.

Vice Mayor Amyx said when putting together an appraisal, he said he did not know what type of appraisal it took and should it be a comparable sale or income approach based on the information received. He said if putting together an income approach based on their new rent figures, it would be appraised in excess of 2.3 to 2.9. He said this issue was between a willing seller and a willing buyer and in this particular case, he asked how important this facility was to the community. He said this type of facility met the City Commission's goals in economic development.

Mayor Chestnut said there was a lot of discussion about looking at the pro forma's and discussed expenses and rents as well as a lot of external verification that the rental assumption was approximately \$18 a foot and that was comparable to what space was such as in Olathe and was competitive in the market. He said they tried to test all the assumptions and making sure the exposure would be relatively minimal and the consensus was those figures were reasonable assumptions that would play out in the future, obviously, the vacancy and then the filling up of that space being the operative.

He said someone brought up the question of what if nothing happened and the City would have this big number. He said that person was taking the revenue line out and basically calculating across, what the loss would be, but there were a number of expenses that would come out as well and there would be no level of utilities or maintenance if the vacancy stayed at 50%, they would need to work hard to mitigate a lot of expenses. He said they would be able to mitigate a lot of the down side risk if it turned out the lease space and market did not turn out to be a robust.

In summary, the Kansas Bioscience Authority was investing a lot of money in the State for bioscience research. He said 50% of all the domestic research being spent at research universities was in Life Sciences. This was the best area of focus in economic development and

the City committed to Lawrence Regional Technology Center and wanted to develop those organizations into viable concerns. He said a lot of things had been done around this area, now it was just about the space which was the hole in the City's portfolio and had done a great job of commercializing some companies, but those companies had ended up on other communities.

Commissioner Dever said it was important that information in those PIRC meetings were shared with everyone because the community did not get to sit in those meetings. He said it seemed like a fairly positive result, but there was still a lot of discussion. He said they needed to ask those questions and the answers received were good.

Mayor Chestnut said he agreed and the good thing was that PIRC realized the risks and returns. He said after crunching all that information, the consensus was that it was the right type of industry based on leveraging what was going on in this community. He said he hoped that industry grew out of space in two to three years and the community needed to talk about where to go to get other lab space.

Commissioner Cromwell said the question had been raised in emails and in meetings regarding why the City would be involved in speculative real estate or there were other people who could certainly step up to the plate and buy this building if it was such a good deal. It was important everyone realized they were not talking about acquiring the building as a speculative real estate venture, hoping to flip it in a few years and make a buck. It was a totally different approach the City had that private industry did not have. He said the City was in it more for the long term and were looking for this type of space for job creation, not speculative real estate. It was important to know when people were analyzing this decision. He said this type of lab service did not appear on every corner and this type of service was needed in the community if they were going to continue to grow this type of industry the community had made in the past and it was money well spent, but not spent with the attention of gaining money in some type of speculative venture. The City took a little bit longer approach and he wanted people to realize that when struggling with those concepts.

Vice Mayor Amyx said the City took the same kind of long term approach in looking at developing industrial parks and it took years to develop. In looking at the development of this community and expanding its job base, the City would like to see all the space in every industrial space marketed tomorrow. He said it took communities to withstand the long haul of a development.

Commissioner Johnson said Commissioner Cromwell stated his opinion well. He said he received a lot of feedback regarding how the City could be involved. He said if a person did not go to bat, that person would not get the hits. He said this community had not gone to bat and the risk to this community on not doing anything was bigger than the risk the City was taking with this industry. He said it was a calculated risk, but it fit in a bigger vision with the biosciences in this City's economic development policy in creating jobs.

He said Commissioner Cromwell's comment was right on, in that the City was not just doing speculative real estate

He said to Commissioner Dever's comment about an appraisal, it measured the market differently. He said the City had a different agenda than a private investor and the City was not looking at speculative office space or shopping for buildings. This industry fit in the bioscience initiative and it was a great opportunity. He said he was in support in moving forward.

Mayor Chestnut said when Commissioner Johnson talked about the risk of not doing anything, which rang true, he waited for the opportunity to talk about where the City's industrial park to build out one of those companies that was going to bring 350 to 400 jobs to this community. He said if the City was going to spend money for economic development, this was the place to be.

Commissioner Dever said he appreciated the insight on the PIRC review. He said this was the natural progression for this community, once spending all that money on an incubator, it was natural to need a place for companies to move.

More than likely, people would question any of the expenditures the City made toward economic development, but this was a job preservation and creation move. He said it was a reinvestment of the community's dollars in an area the City was already spending quite a bit of money on. There were millions of dollars being spent at the university and regionally in this area and in order for the community to participate this seemed like a reasonable spot. He said he was in favor, but always liked to have more information.

He said he did not see the harm of an appraisal, but upon evaluating the appraisal that was provided, they had to use comparables that were done from cities over 500 miles away. Obviously, there were not too many buildings like this building in the area and Lawrence might as well have this type of building and be the spot for the region. He said this reinforced his opinion on having space like this and that the value was much higher than what the City was paying and it was a good deal. He said the City Commission was making a good decision to move forward.

Moved by Johnson, seconded by Amyx, to approve the purchase of the West Lawrence Labs facility at 4950 Research Parkway and authorize the City Manager to execute a contract for purchase, authorize the Mayor to execute the City-County Cooperation Agreement, subject to final legal review, and adopt on first reading, Ordinance No. 8480, authorizing the issuance of general obligation bonds for \$2.9 million for the purchase and improvement of the facility. Motion carried unanimously. (11)

Conduct public hearing to discuss the condition of the fire damaged structure at 2137 Tennessee and consider declaring the structure unsafe and ordering its repair or removal within a specified period of time.

Mayor Chestnut called a public hearing to discuss the condition of the fire damaged structure at 2137 Tennessee and consider declaring the structure unsafe and ordering its repair or removal within a specified period of time.

Brian Jimenez, Code Enforcement Manager, said a contractor had purchased the property and provided a copy of the deed. At this point, staff was confident the contractor would apply for a building permit within a week or two. The contractor's plan was to rehabilitate rather than demolishing the structure. He said he believed staff would not need to come back to the Commission on this matter.

Mayor Chestnut called for public comment.

Upon receiving no public comment, **it was moved by Amyx, seconded by Cromwell**, to defer the considering the structure, located at 2137 Tennessee, unsafe and dangerous and ordering its repair or removal within a specific period of time, for 30 days. Motion carried unanimously. (12)

Receive Historic Structure Report from Hernly Associates on the Santa Fe Station (BNSF Depot).

Stan Hernly, Hernly Associates, presented an historic structure report regarding the Santa Fe Station. He said Hernly Associates wanted to provide an effective tool for preservation planning. They were documenting the existing conditions of the building and were identifying appropriate treatment techniques for the property, evaluating significant building features and outlying work recommendations and those work recommendations became prioritized as well as associated costs.

He said the building was an excellent example of mid century modern architecture and had most of its original features and finishes with minor alterations occurring in 1982. There were site features that predated the existing building which were the brick parking lot, and a round fountain. There were several critical issues that needed to be addressed to avoid significant building deterioration in the near future. At the public meetings they found that there was a lot of public interest in the building, a lot of potential uses for the building, and currently under utilized. BNSF was planning on staying in part of the building for the foreseeable future until there was space provided elsewhere.

Amtrak was looking at expansion of passenger rail service that could raise the number of stops to 4 times a day instead of 2 times a day. The 2 new stops would likely be during daylight hours which would be a big boom for the station. Amtrak also had ARRA funds, in the amount of \$600,000, from 2009. In the work Hernly Associates proposed, there was probably \$275,000 of overlap between what Amtrak proposed and what they had, in their list of work.

A Transportation Enhancement Grant, if awarded, could cover up to 80% of the cost of the project. Money the City spent on the building, once that station was listed on the State or National Register, could qualify for preservation tax credit which was a 30% credit.

Some of the key issues that were being addressed were critical maintenance, important maintenance, regular maintenance, building code compliance, land use regulations, handicapped disability issues, energy usage, design enhancements, and potential building uses.

He said he provided a table of work items which was divided into 5 priority columns and divided horizontally by site work, exterior building shell, interior work, and mechanical work.

- | | |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority 1 | A total project cost of \$585,000 which included general contractor costs, 10% contingency, and architect and engineering fees; |
| Priority 2 | Classified as important, for a total cost of \$440,000; |
| Priority 3 | General maintenance, for a total cost of \$100,000 and Depot Redux Group had talked about potentially taking on some of the regular maintenance items; |
| Priority 4 | Items would not be completed until BNSF moved out of the facility; and, |
| Priority 5 | The entire package. |

He said regarding Priority 1, the sidewalks around the building were fairly deteriorating. On the north side, the sidewalk platform had an asphalt overlay and on the south side, the door needed to become an exit and handicapped accessible exit.

He said in Priority 5, the original fountain from the 1920's would be part of a design element for a new development on the west portion of the property. He said their work recommendation for the columns was to cut off the columns and construct a bottom half that would sit on its original foundation and the new concrete would come up to those columns. He said they would be using galvanized plate columns instead of plate steel columns.

He said with the Priority 1 Item, they would only do the roofing and there was quite a bit of work that needed to be done to the fascia, but would not replace those fascia's to keep the cost down. The two main entrances on the south and north side into the public part of the building, those doors were not handicapped accessible and did not operate well and those doors had a lot of work that needed to be done. The main work on the inside was part of Priority 1 and included the bathrooms to make handicapped accessible. Their plans were to keep the existing walls in place and reconfigure the interior of the spaces. In the revised revision of the hallway, they were showing an access to get to that south exterior door. In addition there would be some work done on the east end to accommodate BNSF employees using those two rooms on the east end.

He said regarding the mechanical section, they proposed installing new geothermal heating and cooling system, keep the in-floor hot water radiant heating system running as long as they could and would work in combination. They would keep original historic equipment such as the band coil unit and most likely not use that piece of equipment, but leave the equipment in place and remove the piping that was added in the 1980's. Also, they would be putting in a handicap accessible drinking fountain. Finally, they would provide a fire suppression system and sprinkler system and replace light sockets for the fixtures in the waiting room and install emergency lighting.

He said part of the process included two public meetings. At those public meetings there was a list of potential building uses and at the second meeting, the attendees voted on those ideas. The transit connector was a place for the cross country Greyhound bus stop, local

bus stop for “T”, Amtrak, and taxi stand. The idea for the trailhead was connected to the possibility of having the Burroughs Trail Pathway extended past this site, using street right-of-way. There were a lot of other ideas related to food and museum, nature and eagle observation.

The total project was a full build out with a new parking lot at the east end of the site and the new landscaped garden feature on the west end of the site which was close to the parking lot for Riverfront Plaza.

Michelle Stevens, City Manager’s Office intern, said staff was seeking authorization from the City Commission to submit an application for the transportation enhance program to fund the preservation of the Santa Fe Station. BNSF railway currently owned the building and surrounding property. KDOT had indicated the City could submit the application without ownership. However, ownership would be required at the time the grant was allocated which was scheduled for June 2010.

In terms of the TE application, the City Commission approved an agreement with Hernly Associated to complete the historical structure report for the station. The intent of this report was to provide information for the TE application as well as providing a detailed project cost estimate. The total cost project estimate was 1.345 million dollars. There was various ways to approach this number regarding the TE application such as applying for money for anything as low as a priority 5 item or as high as the entire project cost. It was important to keep in mind that a local minimum match of 20% was required as well as 100% of the design cost. Hernly Associates had estimated the design cost at 10% and the final cost could be higher.

There were essentially two suggestions for the application totals, first the City could apply for the total project cost of 1.345 million dollars which included the preservation to the fullest extent of the site as well as the building and the local match was \$406,000. She said some members of the Santa Fe Steering Committee had advocated this option.

Another approach was applying for the program in the amount of \$583,411 and would take care of the highest priorities and most pressing concerns which included the roof, HVAC Systems, fire suppression sidewalk, and restroom accessibility upgrades. The minimum match required for this amount was \$175,000. The City would then seek other grant options to finish the preservation of the site and the building. It was important to note that Amtrak had \$600,000 in ARRA funds allocated for improvements to the station platform as well as ADA upgrades. The scope of the project had not yet been defined, but they had indicated the scope would be determined by spring of 2010.

In the event the City was awarded the \$583,000 grant award and there was an overlap with the ADA required upgrades, staff would suggest an amendment to the project by replacing the overlapping items with other top priority items. The present "cons" of each option were attached to the City Commission's agenda for their review.

She said funding for the TE Program in fiscal year 2011 and 2012 was contingent upon the authorization of a new federal highway bill and the inclusion of the TE Program. Although it had not been approved yet, KDOT indicated that Congress would likely approve this program.

Finally, due to the projected total cost of 1.345 million dollars, staff suggested that the work occurred in phases with the top priority concerns addressed first. Therefore staff was seeking authorization to submit a "T" application in the amount of \$583,411 with a local match of \$175,000.

Mayor Chestnut said that amount was \$117,000.

Stevens said that was the initial cost. However, that amount did not include the design cost. After the 10% design cost, \$175,000.

Commissioner Johnson said if the overlap portion was attributed to Priority 1.

Stevens said yes, if applying for just the Priority 1. If applying for the total grant money, then just the project cost would be lowered.

Vice Mayor Amyx said if making application for all of the priority items, he asked if it were all or nothing and not offer a set amount of money.

Stevens said she believed it was all or nothing, but it also depended on how many other applications there were in the historic category. If there were a lot of applications in the historic category, it would be less likely the City received that money.

Commissioner Cromwell said was Stevens suggesting that if the City went with the all priority items, the City might have less of a chance of receiving the grant.

Diane Stoddard, Assistant City Manager, said staff had been advised that sometimes the committee who reviewed the TE applications, if there were a large number of applications, and a high ranking project, but the cost were high, that committee had the option of granting a lower amount than the requested amount. She said that was an option the KDOT committee would let the City know.

Commissioner Cromwell asked if staff had a feel for the amount of applications KDOT might receive.

Stoddard said they attended a TE Grant workshop at the end of September, and there were a number of parties present, many cities attended the workshop in order to get updated information and there were a number of communities that were interested in the historic category. She said all of those grants were pending a federal highway bill that had not been passed and also assuming there would be a TE portion of a new federal highway bill.

Commissioner Johnson said what the likelihood BNSF would transfer property to the City by the deadline of the TE grant.

Stoddard said that was the big question. Staff had been working with BNSF for some time. She said she did know how to estimate when the transaction would be completed. It was probably easier to estimate that if the City received all of the documents today and it would be a several month process of reviewing the documents in order to get those documents before the City Commission. Staff talked with BNSF conceptually about a number of issues and knew the

City was looking at an open to a donation of the building, but BNSF was not open to a donation of the land and would only lease the land. Staff talked to BNSF about the lease being long-term which would help the City satisfy any granting authorities for the building. BNSF had discussed providing the land lease, at no cost, in exchange for the City or any other entity in the building, assuming the responsibility of utilities, but there could be an opportunity to talk with Amtrak about sharing those utility costs. Staff had asked for documents from BNSF, but had not received any final drafts of any documents associated with the City. The City would need a donation agreement, land lease, and some type of agreement related to the BNSF continued use of the space which was a requirement.

Commissioner Johnson said if there was any advantage of going forward because the City did not own the space, but was applying for a grant and was there any hurry to apply for the grant as opposed to waiting for 2011.

Stoddard said the TE grants were only offered once, every other year. There were grants that came around at the beginning of this year, but those were special and associated with the stimulus. Staff could certainly wait to apply and it was a matter of how the City Commission wanted to proceed.

Commissioner Cromwell said the City Commission was being asked to receive a report and asked Stoddard what the City Commission was being asked to do at this time.

Stoddard said the request was to authorize submission of a grant application and that application would be acted on and the City would hear back likely in June 2010 and at that time, if the City was successful in receiving the grant, the grant would come back before the City Commission and the Commission would decide whether the grant would be accepted. However, staff needed to know the Commission's comfort level in terms of submitting the application and getting the authorization. Staff was suggesting the application be submitted at the first priority level which required a local match of the \$175,000. He said it was her fault for the confusion of that dollar amount. The design costs were included in the estimates provided

on the project could not be covered by the TE grants and the City had to back those design costs out. It could be possible the design costs would be lower than 10%, but that was subject to negotiation in the future. There were also other ways that the local match could be raised as indicated by Hernly whether it was other grants, historic tax credits, or other local fundraising toward the project, and other types of things.

Commissioner Johnson said did the City need to commit to spending that 20% now or could the City wait to see if the grant was received and decide at that point, if accepted, match the 20%.

Stoddard said in good faith it was wise to not submit something the Commission was not completely comfortable with, but ultimately there was not any requirement to accept this grant.

Commissioner Johnson said where he was concerned was if the City had the money.

Commissioner Dever said how much staff time was involved preparing and submitting this application.

Stoddard said a good amount of the time had already been spent. She said staff had awaited lot of information in the Hernly report. She said her guess was approximately 20 hours of staff work remaining in the submission that would be required by the end of the year.

Commissioner Dever said if the City submitted the grant, assuming the City could apply for the entire grant or partial, it made sense to envision the entire project and figure out how to pay for the entire project if it occurred. He said if there was any requirement for the City to reduce their match and accept less of the grant in the event the City received more than needed for the first phase next year.

Stoddard said she assumed that would be an option, but the City needed a good way to figure out how to scale it back.

Mayor Chestnut said out of the \$600,000 of the critical repairs, there was overlap of Amtrak's situation. He said the recommendation was to take the \$586,000 and if it ended up the City overlapped part of it, that the City maximized the \$586,000. Instead, if it was mitigated

the \$586,000 and accepted whatever was needed to accomplish Phase 1, but seeing was offset by the other money Amtrak was receiving, which might be roughly \$350,000 and 20% was less and cost on top. He said if the City might be able to mitigate what was put in by 30%, including the architectural cost. He said if the Kansas Preservation Tax Credit applied to architectural fees. If it turned out the City needed \$350,000 of the \$586,000 to do Phase 1, the City had to match 20% which was \$70,000 and add another \$40,000 or \$50,000 for architectural fees, that might be a little high which was \$120,000, but if taking 30% of that amount, then the amount might be down in that range of \$80,000 to \$90,000 which was the initial conversation for the amount of the roof. If the City ended up with part of this offset by what the City received from Amtrak, that 20% match plus the \$50,000 for fees, and receive the preservation credits, the City might be back in that \$80,000 to \$90,000 range.

Commissioner Dever said that was the confusing part and the devil was in the detail. He said \$600,000 of funding for this upgrade that might be made by BNSF and some of those were ADA upgrades, but he never heard any talk of interior ADA upgrades. He said heard that it was platform related to exterior portions of the building. Most of the ADA access in Hernly's study was interior work plus access ramps and accommodations required for additional entrances and egress. He said he wanted to make sure that was actually true.

Mayor Chestnut said he was relying on the statements that were made earlier.

Stoddard said there were some funding that was identified in the estimates related to some exterior ADA work.

Commissioner Dever said his recollection of the conversation, by his notes, it was track and service oriented upgrades and accessibility as opposed to interior space.

Stoddard said staff did not have confirmation on exactly what was included in the Amtrak project. It was listed as platform and ADA improvements. A good chunk of that had to do with the platform and there was no overlap between Hernly estimates and the Amtrak stimulus project related to the platform because the platform was not in Hernly's estimates at all. The

gray area was the ADA improvements and that was what staff had not been able to identify as far as the scope. Staff was hopeful there was the overlap, to some degree, between the Hernly report and what Amtrak was planning on doing. Amtrak had not sent their architecture team to fully develop that scope.

Commissioner Dever said he would like clarification because ADA requirements were triggered by substantial rehabilitation of the interior portion. Whoever owned that building, especially a public entity like the City, was going to be required to make those upgrades. He said he was not clear as to why Amtrak had not had to accommodate those upgrades and asked if Amtrak was exempt from those regulations. Although there was a whole set of standards for handicapped accessibility from the federal government entities. He said if the City could receive some money kicked in, then the numbers seemed to make sense, but did not know if Amtrak was ignoring the accessibility issues inside the building.

Vice Mayor Amyx said at the time the City Commission discussed Amtrak and the \$600,000, he asked what was exactly stated as to where that money was to be used in reference to the ADA requirements. He said did that go back to the platform and other ADA requirements.

Stoddard said as she recalled that item stating platform and ADA improvements which was fairly broad.

Vice Mayor Amyx said he was under the impression it was going to be interior also.

Commissioner Dever said if someone could explain why Amtrak did not make those accommodations yet.

Hernly said he did not know why Amtrak did not make those accommodations yet, but Amtrak did not decide what was going to be done. However, Amtrak did share a confidential report, therefore, it was not included in the work Hernly Associates put together, but they were able to use it as a reference document. The report did list interior work such as bathrooms, drinking fountains, audio/visual announcing P.A. system.

Mayor Chestnut said as the City was pursuing the acquisition of the building, the City made contingent that acquisition and there was sufficient money from Amtrak. If Amtrak's intention was to make the depot ADA compliant, they needed to speak very definitively about what it was and the City would take over that building with the commitment that the ADA requirements from the funding was going to bring the entire building and not just the platform up to ADA compliance. He said he was not sure he would want to move forward with acquisition of the building if Amtrak only came up with the platform compliance issues and not the interior compliance issue which might be the bulk of the cost.

Stoddard said staff should know that information fairly soon. She said she had been advised by Amtrak they had to spend their money by February of 2011 which meant Amtrak would be quickly putting their scope together because their construction season was next summer. She said related to the reason why the station was not yet ADA compliant was that Amtrak was granted an extension and believed it was through 2011 or 2012.

Mayor Chestnut said Commissioner Dever's concern was well taken because the City did not want to get half way into this project and find out there was a hole, the City was going to need to step into.

Commissioner Dever said if the money overlapping was real, then that was why he wanted to know how much the City could reasonably and seriously consider spending. He said a lot of those improvements dealt with accessibility issues which were important, but expensive especially on an older building and to construct those improvements to meet historical requirements.

Commissioner Cromwell said concerning the 20% match of local funds, he asked what was the source of those funds other than from this body.

Stoddard said staff put together a list. The project amount might be reduced with the Amtrak project. There might be private funds that would be available either through private fund raising efforts locally or other grant opportunities. The historic tax credits that were mentioned

were at 25% of the entire rehabilitation cost and those tax credits would not be available until 2012.

Commissioner Cromwell said they were looking at using potentially other grants, local fund raising and another funding source which meant it would not be out of the City's coffer necessarily for the match.

Stoddard said there might be also opportunities to look at possible in-kind work related to some of those elements.

Mayor Chestnut called for public comment.

Carey Maynard Moody, Depot Redux, said they started this project about 18 months ago and there was a little bit different composition on the Commission at that time, but those that had come on board, after the election, had been very interested in this project.

She said the Depot Redux was continuing to grow and the Santa Fe Station was not losing interest. The more events that took place and more passengers were taking this train out of Lawrence and returning home in Lawrence, the more appeal the place had. Unfortunately, there was an expectation that was started because there was a great neighborhood love of the building and great love of people that wanted a different way to move about in our region and across this country.

She said she looked over the list of other cities in Kansas that had received funding through Transportation Enhancement Grants and Depot Redux was not asking for a lot. She said she knew the City Commission's comfort level was at a sore point, at this point, because the Commission was unsure of what was being asked.

She said there were a lot of people in the community that had been asking when the fundraising would begin. There were a couple of major donors who offered a \$1,000 each when the fundraising began in earnest. She said it was not going to come from the City's coffers, but from the community at large.

She asked the City Commission to accept Hernly's report and direct staff to proceed with the Transportation Enhancement Grant Application. The City had a very talented and dedicated staff and it was a pleasure to work with City staff and as a team they had come a long way.

Tom Harper said this project was about risk, faith, trust and commitment. He said it seemed there was a lot of positive things that were ready to happen and a core group of people that were growing. He said if they did not continue this project, the depot would die which was no good.

Phil Collison said he was on the Steering Committee for Depot Redux and representing the East Lawrence Neighborhood Association. He said he was totally impressed by the work Depot Redux had been doing. He said good transportation access, strongly performing school, quality housing stock and recognition of historical prospective, was what made their neighborhood vital. He said the East Lawrence Neighborhood Association encouraged the City Commission to receive the report and direct staff to submit a Transportation Enhancement Grant Application for the Santa Fe Station.

James Dunn, Lawrence, said he and his wife regularly use the services of the station and had attended some of the events of the Depot Redux program and found it educational. He said he was sorry to not be part of the earlier design projects, but one thing of a concern was that BSAF wanted to keep the east end of the building for their own purposes.

Commissioner Cromwell said this was an opportunity for a possibility of getting a substantial amount of funding from outside the community and should take advantage of that funding. Also, considering there were potential sources, the City would be remiss not to end up with a project. The way to get a project was to apply for the grant with all priority items in it and looking at a minimum of a million dollars coming from outside the community and the City could make up the difference with local fundraising and other things. He said there was a potential for the City ending up with another feather in its cap as well.

Commissioner Johnson said he appreciated Harper's comment for the City Commission to have trust, faith, make a commitment and move forward. He said he liked the project and did not want to stop things moving forward and not giving the project to gel. There was potential for a great thing for the community, but he was reluctant what to commit to. He said he had no problem moving forward in good faith, but was more comfortable with asking for Priority 1 improvements. He said he wanted to see what local fundraising events could bring to the community, would like more answers regarding other funding sources, and what the agreement was regarding shared space with BNSF. He said he would support moving forward, accepting the report, and submitting a grant, but was not sure of what he was willing to commit as far as dollars.

Mayor Chestnut said staff recommended applying for the TE Grant for the \$583,411 which was 20%, plus the architectural fees. He said the City Commission had not been asked and he did not want to put forth the approval of total improvements.

Commissioner Cromwell said he wanted to apply for a grant which covered 80% and they did have an estimated cost at \$1,354,280. He said he wanted to move forward with the all priority items because he would hate to turndown that money.

Mayor Chestnut said that would be a commitment of 20% of \$1,354,280 plus 10% of the project cost which was \$130,000.

Stoddard said with the 20% match and 100% of the design was about \$406,000 was for the entire project.

Commissioner Cromwell said 20% of \$1,354,000 was \$270,000 and asked about the design fees.

Stoddard said the design fees were 10% of the total.

Commissioner Dever said he was impressed with the report and he learned a lot of things about the Depot and had a better understanding of what was required. There were a lot of things that needed to be done to that building. If they were to follow all of the

recommendations there was a lot of work to do. Part of the uncertainty was how much of the work needed to be done now and what could be put off with future funding and/or fundraising. In principal, he was in support of moving forward with allowing staff to spend the remaining 20 hours to prepare the grant, but was hesitant to not apply for the entire amount. In reviewing the differences between the full amount and what staff recommended, a lot of those were additional outside the footprint of the building that enhanced the property, but not necessarily required to operate that building efficiently, safely, and in compliance with state and federal regulations. He said if they were going to have people in those building, it was only right to have those people in a safe and accessible building and was in favor of the Priority 1 improvements and applying for those funds. He said he was hesitant to commit to spending \$400,000 without some better understanding of where the money would come from. He said if people were willing to donate, this could be a public/private partnership, especially the amenity and exterior portions of landscaping and improvements of the site which could be phased. He said the City needed to apply for this grant since a lot of time had been spent on this project. Someone needed to be in charge of what the railroad was going to do, how they were going to do it, and how that could mitigate the costs.

Vice Mayor Amyx said the \$583,000 application was reasonable to consider if getting rid of the overlapping of this money coming from Amtrak and the ADA. He said the cost could be reduced and commitment. He said it was imperative the City work with Amtrak and clear up the matter with ADA and continue to work on the ownership of the Depot. He said every time the City started a project, the project should be completed. He said safety issues should be the highest priority.

Mayor Chestnut said he would like to have some feedback on the way this project would be handled if the City received the TE grant for the \$583,000 and it turned out the Priority 1 critical items, that those estimated costs were mitigated to some extent by the other funds. He said what would be the desire of the City Commission relative to how to consider those funds.

In other words, did the Commission want to pick the Priority 2 items or lower the City's match and complete Priority 1, but the City Commission should provide clear direction.

He said the City Commission could also agree to bring this item back for consideration. He said when the City received the TE Grant, more information should have been received and it could be integrated into the study. He said he did not want to make commitments or allocation that were not necessarily the desire of the majority because they had the money to do it, but were matching 20%.

Vice Mayor Amyx said he strongly recommended this item be returned to an agenda, at a future date, because if there was \$100,000 or \$200,000 extra money, the City Commission needed to decide where that money needed to go.

Commissioner Cromwell said priorities could change and having the item come back was critical.

Vice Mayor Amyx said he hoped the agreement with the railroad would come forth at some point.

Mayor Chestnut said in the negotiations with the railroad, he suggested the City make clear contractually, that the City's contingency on taking ownership was that the ADA Compliance issues were completed in full for the building with the Amtrak funding.

Stoddard said staff would know a lot of those answers as soon as Amtrak came on site to discuss what was going to be done. She said BNSF's response was that they would not do anything with the building.

She said BNSF would require a buy back provision for their security in the donation agreement which would enable BNSF to buy back the building at all of the cost, the City put into the building which enable the City to payback any granting authority. She had asked KDOT about the buy back provision and KDOT was talking with the federal officials that dealt with the grant program.

Vice Mayor Amyx said, was BNSF asking for buy backs from any other TE Grant depot projects.

Stoddard said yes, but this project was unique with BNSF continuing to operate out of the building and BNSF had indicated they were open to vacating the building, but wanted a like space provided.

Moved by Cromwell, seconded by Amyx, to receive report and direct staff to submit a Transportation Enhancement Grant application to fund Priority 1 items, in the amount of approximately \$586,411 (with a local match of 20% plus design costs) for the Santa Fe Station; and any overlapping funds would be addressed by the City Commission. Motion carried unanimously. (13)

Receive staff memo regarding Transportation Enhancement Grant application for KU/Oread/Downtown lighted pedestrian pathway project.

Chuck Soules, Public Works Director, said this project provided a primary and secondary ADA compliant lighted pathway from the east side of the University of Kansas through the Oread neighborhood to downtown Lawrence.

The main route would be along the north side of 12th Street from Oread Avenue to Vermont Street (at South Park) and proceed diagonally through South Park along an existing sidewalk to the intersection at North Park Street. The secondary route would on the north side of 14th Street from Louisiana to Ohio Street, then turning north along the west side of Ohio Street to 12th Street.

The pathway would be constructed of concrete to a width to be determined during the design phase. Sidewalks in good condition would most likely not be replaced along with 4 foot high pedestal style motion sensor lights along the entire walkway spaced approximately every twenty feet.

Signalized pedestrian crosswalks would be installed at the intersections of Tennessee and 12th Street and the intersection of Kentucky and 12th Street.

City staff, KU Student Senate, and Oread Neighborhood Association, had partnered to design and coordinate this project. Staff had received endorsements from KU Student Senate, KU Transit Commission, KU Campus Safety Advisory Board, KU Office of Public Safety, KU Pan-Hellenic Association, KU Scholarship Hall Council, and anticipated Oread Neighborhood endorsement.

He said project funding was as follows:

\$50,000 has been identified from city funding (approval pending)

\$150,000 has been requested from the University of Kansas (written commitment to follow)

\$174,345 will be submitted for a Transportation Enhancement Grant (application approval pending)

\$201,570 CDBG application (application approval pending)

Total = \$530,915 needed of the \$575,915* proposed or requested through grants and internal funding.

Vice Mayor Amyx said how far apart the lights were and how much illumination was given off of those lights.

Soules said those lights were approximately 20 feet apart and illuminate the full length of the way, but those lights would not be left on all the time. As people walk up to those lights, those lights would turn on and turn off as they walk down that path.

Vice Mayor Amyx said when a person walked up to that pathway how long did the lights stay on.

Soules said staff would set those lights.

Commissioner Johnson said if staff considered leaving those lights on all the time because he questioned how annoying it would be for those lights to pop off and on.

Elise Higgins said part of the reason why the light went on and off was to see people when approaching that area.

Commissioner Dever said how reliable were those sensors. He said the City would save money on energy and reduce the overall impact, but asked about the cost to repair the motion activated sensors.

Soules said staff could figure out those details.

Vice Mayor Amyx asked if staff would be able to adjust those sensors. He said he did not want a bicycle come through, looking like a strobe light.

Soules said he assumed those lights could be timed.

Commissioner Johnson said if they went forward with this project, he asked what the plan would be to get the word out to the students.

Elise Higgins said she had been in conversation with a number of KU Agencies and they all agreed to be part of an advertising campaign. She said most of those agencies had submitted letters of support for the TE Grant or were in the process of writing those letters. The student senate had committed \$20,000 to the project and she was seeking at least \$100,000 from the Kansas Safety Advisory Board. She said she was confident the KU agencies could work together in making sure that was a safe route to be used.

Vice Mayor Dever said how the City came up with this style of lighting.

Soules said the area was within a historically area and had input from the Historic Resource Commission and the neighbors.

Mayor Chestnut called for public comment.

Elise Higgins said she wanted to thank staff for being receptive to this project. She said the KU Student Senate was behind the project as well as a number of organizations at the university. She said she was please with the safety this project created for KU Students and residents of the Oread Neighborhood.

Candice Davis said the Oread Neighborhood Association did hear this proposal, but a number of board members were unenthusiastic and she was one of those board members. While the association was concerned about safety in the neighborhood, she was not certain that

a lighted pathway was the best solution. The neighborhood was interested in having lighting throughout the neighborhood and confused about 4 foot lights. There was a lot of vandalism that went on in the neighborhood. The lights seemed institutional lights and could not picture those lights in other neighborhoods. She said surprised that Historic Resources would find this lighted area to be suitable. Downtown was a historic district and would find that type of lighting to be in keeping with the neighborhood. She said she was not sure this was the best project for their neighborhood and did not know if CDBG money should go into lighting two streets of row lighting. As the motion detectors went on, she did not know if that would be safe. She also did not like the idea of strobe lights.

Mayor Chestnut said if the Oread Neighborhood Association met on this issue formerly.

Davis said the association had too many things going on at that time, but now they had second thoughts on this project.

James Dunn, Oread Neighborhood, said he attended the meeting when this lighting project was discussed. He said one concern was the neighbors along that pathway being notified. Also, if there was some type of small project in South Park to witness how this lighting project would work.

He said this was designed to be a sidewalk, but some of the City Commissioner's mentioned bicycles and was wondering the requirements for sidewalks and bicycles in the same area. He said there were people who rode bicycles downtown without regard for pedestrians.

Hubbard Collinsworth said the project was good, but with the financial times, he did not see how the City could allocate scarce resources for sidewalks in lighting when there were so many social issues that would be coming before the City Commission within a few months.

Elise Higgins said regarding vandalism the lights would be in concrete posts that went fairly deep and no handles on the lights, but it was unlikely the people using this path as a mode transportation between campus and the downtown area would be that invested in destroying the lights.

She said regarding bicycles, all of their discussions regarding this route was four or five feet wide which was not wide enough for bicycles and pedestrians at the same time. This route was primarily intended for pedestrians and while it was true a new route would be attractive to bicyclist, the fact that this area would be populated with pedestrians made it unlikely there would be bicycle strobe lights, especially at night when the lights would be very visible. She wanted to remind the community that safety was a very important social issue and a marked increase in sexual assaults and petty crimes took place in the Oread Neighborhood area for the last few years. Multiple studies had shown that implementing lighting along with an increased police presence was proven to increase safety.

She said most of the houses along that pathway were rental properties.

Mayor Chestnut said the CDBG Application was an application for funds over and above what the City received now on allocations, specifically for this project or was the City reallocating resources the City already had.

David Corliss, City Manager, this funding would be for the federal fiscal year that started October 1, 2010. There was a brand new application period for CDBG, and committee started in earnest in reviewing the applications in January, and the recommendations would come before the City Commission in May. He said this was the traditional allotment of funds that came to the City.

Mayor Chestnut said the City would not get \$200,000 of CDBG money over and above what was typically received.

Corliss said the City had used some of the funds for sidewalk gap projects other public improvements and other improvements to not-for-profit organizations. CDBG would have more requests than funds.

Commissioner Cromwell said there were questions about aesthetics of the lighting, the other alternatives, and what the associated costs were with those other alternatives.

Soules said staff looked at lighting downtown and other lighting and all those costs were similar, but the difference was the distance between those lights.

Commissioner Cromwell said potentially the cost were the same or lower going with the downtown style of lighting.

Soules said the downtown style of lighting would be a little less.

Vice Mayor Amyx said this was a safety issue with the number of people walking through the neighborhood. This included the City Commission's decision on whether or not this route was recommended by staff and whether or not this was a high priority for safety throughout Oread Neighborhood and that connection between downtown and the University.

Commissioner Cromwell said it was a great project, safety was a critical issue in Oread neighborhood, and it was also nice to provide a good route for students to spend their money downtown.

He said he wanted to make sure they continued the questions of aesthetics and was in favor of going forward with the grant application, but wanted to make sure the City was not married to the design. He said he agreed the lighting looked somewhat institutional and the design of the lighting could be better.

Commissioner Dever said this was a great partnership between the students, the university, and the City. There was increased crime in the community and unfortunately the City Commission needed to be on the alert to help and assist those who chose to walk in this community and encourage them to do so.

He said he agreed the City needed to work out the final details because the funding was obviously an issue. Given the number of participants in this endeavor, he felt the City Commission needed to come to the table and he did not think what the Commission was being asked to provide was a lot of money for the protection and safety of students and residents of this community.

Mayor Chestnut said staff needed to gather data. He said it was appropriate to move forward with the application. He said he wanted to make sure the folks that were on the advisory board for CDBG understood their board would make a decision independent of what the City Commission did. He said it might or might not be funded. He agreed there were a lot of other things that money could go toward, but the board would need to judge the merits.

He said he would suggest looking at examples such as particular lighting solutions, examples in other communities. He said staff might want to see if there was something that was more aesthetically pleasing especially 12th Street being the primary route with the new Oread Inn architecture.

Commissioner Johnson said he was in favor of moving forward, but obviously details needed to be worked out and needed to involve the neighborhood and receive feedback.

Moved by Cromwell, seconded by Amyx, to direct staff to submit a Transportation Enhancement Grant application for the pedestrian pathway project. Motion carried unanimously.

(14)

Receive draft 2010 Legislative Policy Statement.

David Corliss, City Manager, said it had been the City's tradition to adopt a policy statement reflecting the City's official positions on a number of legislative items and had meetings at the beginning of the session to provide copies of cities statements. He said as staff interacted with legislative delegation or other legislature, the City was able to rely on what the City Commission stated as their position.

He said he wanted to acknowledge the work of Scott Wagner and Toni Wheeler in reviewing the previous statements and preparing the draft of this year's statement. There were not necessarily a lot of new items and usually dealt with the same issues every year.

He said the importance of the alcohol tax funds were highlighted and that battle was fought last year where a discussion took place about not having those funds in Lawrence and

what would happen. He said they needed to be vigilant in making sure the City's legislative delegation and other legislative knew the importance of that funding source.

There had been some discussion about sales tax and sales tax exemptions. The statement also indicated the federal exemption that existed defacto regarding internet sales and catalog sales as well.

It was very typical there was legislation every year to take away some of the City's spending authority and taxing authority. The City fought that issue, not because the City wanted to spend more or be taxed more, but wanted the City Commission to decide on those issues and not legislatures that did not live in Lawrence deciding that at the State House.

Also, in the statement was the importance of funding for tourism and transportation.

In the past the legislature had dealt with a number of annexation bills. The City was active in defeating the annexation bill that was before the legislature and governor in the past legislation. He said the City did not unilaterally annex much property against the consent of very many property owners. He said annexation was done to protect City boundaries and the appropriateness of including property within the City, but was an important power for cities to retain.

He said the water authority was struggling like all State agencies regarding State funding. There was also a statement about the importance of protecting water supplies. One of the things the legislature would receive, in January, from the water authority was the reservoir road map which was a huge ticket as far as the dollar amount was concerned to protect the City's reservoirs over the next 30 to 40 years from sedimentation concerns and other concerns as far as the dwindling supply of water. Federal Reservoirs provided over half of the water that Kansans use and was important issue.

There was an issue staff did not include in the statement and would ask the City Commission their opinion and direction. Staff relied on the lobbying services of the league of Kansas Municipalities to represent all City interests.

He said there were approximately 500 to 600 bills introduced every session, but only approximately 150 bills became law. A lot of those law impacted City organizations in a number of different ways.

The State has so effectively taken most of the resources they had provided to the Cities in the past. The City was basically down to alcohol tax and money that went with transportation funding and most of that was shared taxes.

Mayor Chestnut called for public comment.

After receiving no public comment, **it was moved by Johnson, seconded by Cromwell**, to adopt Statement. Motion carried unanimously. (16)

PUBLIC COMMENT:

Hubbard Collinsworth said one of the reoccurring themes in the homeless community was the panhandling issue. There were a lot of grassroots efforts being made and he asked when the panhandling issue would be on the City Commission's agenda.

Mayor Chestnut said December 15th.

FUTURE AGENDA ITEMS:

- 12/15/09 · Receive request from Mark Andersen, on behalf of Inverness Park, LP, property owner of record, to reconsider the denial of the rezoning request (Z-7-11-09) to rezone approximately 10.97 acres, located on the SE corner of Inverness and Clinton Parkway, 4300 W. 24th Street, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential). This item was originally heard by the City Commission on 10/06/09. Staff Memo & Attachments
- Consider a request to permit temporary occupancy for an office use while a rezoning application is processed to permit office uses where they are currently prohibited for the Home Improvement Center Planned Commercial Development that currently includes The Home Depot, Best Buy, restaurants, and vacant tenant spaces. Request
- 12/29/09 · City Commission Meeting at 9:00 a.m.; bill paying and consent agenda items.
- 02/09/10 · Anticipated date to receive Planning Commission recommendation on Lawrence Community Shelter SUP to relocate the shelter to 23rd Street.

02/16/10

- Anticipated date to receive Planning Commission recommendation on Lawrence Community Shelter SUP extension at 944 Kentucky.

TBD

- Receive staff memo regarding possible annexation of Westar Energy Center and adjacent properties.
- ICS Training. DGCO Emergency Management Memo
- Recycling report with comments from SAB
- 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.
- Follow-up to 10/27/09 Commission discussion of Downtown issues, including regulations for panhandling, downtown planning and redevelopment, marketing and incentives for retail establishments and related issues.
- 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

Moved by Amyx, seconded by Cromwell, to adjourn at 9:21 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF DECEMBER 8, 2009

1. Bid Deferred – One Week - Landscape Division Shop to GSR Construction for \$19,400.
2. Financial Participation – Midland Care Connection, 319 Perry
3. Bid – UT0810DS to RD Johnson Excavating for \$840,665.
4. Ordinance No. 8474 – 2nd Read, rezone (Z-8-16-09) 11.38 acres, SE of 31st and Kasold, RM12 & OS to the Floodplain Overlay District
5. Ordinance No. 8479 – 1st Read, annex (A-12-4-09) 1 acre, 1764 E. 1300 Rd
6. Lease Agreement – renewal for Elwell, Barb Wire Bldg, 8 E. 6th.
7. Lawrence Douglas County Bicycle Advisory Committee.
8. Mortgage Release, Kinder, 1402 E. 18th Terr.
9. Stipulation and Agreement - Westar Energy case pending before KCC.
10. City Managers Report
11. Resolution No. 6868/County Resolution No. 09-40, Lawrence-Douglas County Joint 2010 Census Complete Count Committee
12. Ordinance No. 8480 - W Lawrence Labs facility at 4950 Research Pkwy, City-County Cooperation Agreement, GOB \$2.9 million for the purchase & improvement.
13. Financial Assistance - Midland Care Connection, install fire suppression system in N Lawrence facility.
14. Historic Structure – Hernly & Assoc for BNSF Depot, TE Grant.
15. KU/Oread/Downtown lighted pedestrian pathway project, TE Grant.
16. 2010 Legislative Policy Statement