



City of Lawrence

CITY MANAGER'S OFFICE

+ DAVID L. CORLISS
CITY MANAGER

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

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

CITY COMMISSION

MAYOR
MIKE AMYX

COMMISSIONERS
ARON E. CROMWELL
LANCE M. JOHNSON
MICHAEL DEVER
ROBERT CHESTNUT

August 24, 2010

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

RECOGNITION/PROCLAMATION/PRESENTATION:

With commission approval Mayor Amyx proclaimed the last Friday of each month to be Final Friday's in downtown Lawrence; and, the month of September, 2010 to be National Preparedness Month. Motion carried unanimously.

Commissioner Chestnut pulled for separate discussion, the approval for the selection of American General Life as City's voluntary employee benefit vendor and authorizing City Manager to enter into contract negotiations with American General Life.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to approve the City Commission meeting minutes of June 15, 2010 and July 6, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to approve claims to 323 vendors in the amount of \$14,013,911.53. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to approve the Drinking Establishment License for Lawrence Community Theatre, 1501 New Hampshire; and, Bambino's, 1801 Massachusetts. Motion carried unanimously.



As part of the consent agenda, **it was moved by it was moved by Chestnut, seconded by Cromwell** to set a bid date of September 21, 2010 for the Comprehensive Rehabilitation Projects at 1616 East Glenn Drive and 1315 East 21st Street. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to approve the sale of surplus vehicles and equipment on Gov Deals. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to apply the local purchasing preference policy and award the bid for nine (9) police cars for the Police Department to Laird Noller Automotive for \$193,227. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to authorize staff to negotiate an Engineering Services Agreement with Professional Engineering Consultants for Design and Construction Phase Engineering Services for Priority Groups I and II of project UT0919CS, General Wastewater Pumping Station Improvements. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to adopt on first reading, Ordinance No. 8557, amending contractor licensing regulations found in Chapter 5, Articles 15 and 17 of the City Code. Motion carried unanimously. (5)

Ordinance No. 8559, establishing a yield sign on Melrose Lane at 25th Street, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (6)

Ordinance No. 8558, adopting the 2010 Standard Traffic Ordinance and Other Kansas Traffic Law changes, was read a second time. As part of the consent agenda, **it was moved by**

Chestnut, seconded by Cromwell to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (7)

Ordinance No. 8561, allowing the jail fees assessed pursuant to Section 12-105 of the City Code, to automatically be set at the levels actually charged the City by Douglas County, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to approve the Special Event (SE-08-24-10), for the location of a light truck and 40' tall Verizon mobile cellular communication tower at 1101 Indiana (Berkeley Flats Apartments) for the specific dates: September 4, September 11, September 25, October 23, November 6, and November 20, 2010, for home football games. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to authorize the Mayor to sign State of Kansas Recovery Zone bond Notice of Intent to Issue Forms related to the Berry Plastics and Bowersock Mills and Powers Company's Projects. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to approve the request by Cornerstone Architects, on behalf of the property owner of 821 Iowa Street, Xin Li Liu, for a waiver, with conditions, from 19-214B of the City Code which states that a private sanitary sewer service line shall not be located in a City public right-of-way for greater than 15 feet. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to approve a Temporary Use of Public Right-of-Way for the Rev It Up Half-Marathon on Saturday, October 2, 2010, to allow the use of various City streets including the closure of Louisiana

Street from the Broken Arrow Park entrance south to 31st Street from approximately 7:45 a.m. – 8:05 a.m. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to approve a Temporary Use of Right-of-Way Permit allowing the closure of Massachusetts Street from North Park Street to South Park Street on Sunday September 12, 2010 from 7:00 a.m. – 6:00 p.m., for the Parks and Recreation Department's Fall Arts and Crafts Festival. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to authorize the Mayor to sign Releases of Mortgages for Joe and Minilee Bales, 1727 West 21st Street; Helena Boyle, 1211 Laura; and, James Moore, 2902 West 7th Street. Motion carried unanimously. (14)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to approve the Temporary Use of Right-of-Way at 825 Massachusetts Street for a temporary mural, conditioned upon removal by August 31, 2010. Motion carried unanimously. (15)

Commissioner Chestnut said regarding selection of American General Life as the City's voluntary employee benefit vendor, he asked for further information. He asked that this item be deferred for two weeks.

As part of the consent agenda, **it was moved by Chestnut, seconded by Johnson** to defer consideration of the selection of American General Life as City's voluntary employee benefit vendor and defer authorizing the City Manager to enter into contract negotiations with American General Life until the September 7, 2010 City Commission meeting. Motion carried unanimously. (16)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said Planning and Development Services Department provided an update on Special Use Permit site plan compliance issues for Lawrence High and Virtual School site; provided an update on the status of the City's appropriations request to the Congressional delegation in the U.S. House and Senate; Utilities Department replaced a large transmission line on Indiana Street; and, Pierce Manufacturing constructed a new fire engine to replace a 1988 fire engine. (17)

REGULAR AGENDA

Conduct bond and note sale

Review bids received. Approve sale of bonds and notes to the lowest responsible bidder. Adopt Resolution No. 6904, authorizing the sale of \$7,465,000 in general obligation notes. Declare an emergency and adopt on first and second reading, Ordinance No. 8563 and adopt Resolution No. 6905, authorizing the sale of \$9,070,000 in general obligation bonds (Series B) Ordinance No. 8564 and Resolution No. 6906, authorizing the sale of \$8,445,000 in general obligation bonds (Series C)

Ed Mullins, Finance Director, presented the staff report and summarized the note and bonds which were bid upon and the bids which were received.

The City Commission reviewed the bids for General Obligation Temporary Notes, Series 2010-I, in the amount of \$7,465,000. The bids were:

BIDDER	Net Interest Costs	Net Interest Rate (%)
UMB Bank N.A.	\$44,997.36	.577128
Oppenheimer & Co., Inc.	\$80,978.63	1.0386

Moved by Chestnut, seconded by Dever, to award the bid to UMB Bank N.A., for a Net Interest Cost of \$44,997.36 and a Net Interest Rate of .577128. Aye: Amyx, Chestnut, Cromwell, Dever and Johnson. Nay: None. Motion carried unanimously. (18)

The City Commission reviewed the bids for General Obligation Improvement Bonds, Series 2010-B, in the amount of \$9,070,000. The bids were:

BIDDER	True Interest Rate(%)
Stifel Nicolaus & Co., Inc.	2.019494
Country Club Bank	2.040591

Piper Jaffray	2.068604
Robert W. Baird & Co., Inc.	2.096406
Morgan Keegan & Co., Inc.	2.103667
J.P. Morgan Securities Inc.	2.120419

Moved by Chestnut, seconded by Dever, to award the bid to Stifel Nicolaus & Co., Inc., for a True Interest Rate of 2.019494%. Aye: Amyx, Chestnut, Cromwell, Dever and Johnson. Nay: None. Motion carried unanimously. **(19)**

The City Commission reviewed the bids for General Obligation Refunding Bonds, Series 2010-C, in the amount of \$8,445,000. The bids were:

BIDDER	True Interest Rate(%)
Stifel Nicolaus & Co., Inc.	2.114827
Robert W. Baird & Co., Inc.	2.176200
Morgan Keegan & Co., Inc.	2.187756
Piper Jaffray	2.199121
J.P. Morgan Securities Inc.	2.224477

Moved by Chestnut, seconded by Dever, to award the bid to Stifel Nicolaus & Co., Inc., for a True Interest Rate of 2.114827%. Aye: Amyx, Chestnut, Cromwell, Dever and Johnson. Nay: None. Motion carried unanimously. **(20)**

Moved by Chestnut, seconded by Dever, to adopt Resolution No. 6904, authorizing and directing the issuance, sale and delivery of \$7,465,000 principal amount of General Obligation Temporary Notes, Series 2010-I, of the City of Lawrence, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for payment and security thereof; and authorizing certain other documents and actions connected therewith. Aye: Amyx, Chestnut, Cromwell, Dever, and Johnson. Nay: None. Motion carried unanimously.

(21)

Moved by Chestnut, seconded by Dever, to declare an emergency and adopt on first and second reading, Ordinance No. 8563, authorizing and providing for the issuance of General Obligation Improvement Bonds, Series 2010-B, of the City of Lawrence, Kansas; providing for the levy and collection of annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto. Aye: Amyx, Chestnut, Cromwell, Dever and Johnson. Nay: None. Motion carried unanimously. **(22)**

Moved by Chestnut, seconded by Dever, to adopt Resolution No. 6905, prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Improvement Bonds, series 2010-B, of the City of Lawrence, Kansas, previously authorized by Ordinance No. 8563 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Aye: Amyx, Chestnut, Cromwell, Dever and Johnson. Nay: None. Motion carried unanimously. **(23)**

Moved by Chestnut, seconded by Dever, to declare an emergency and adopt on first and second reading, Ordinance No. 8564, authorizing and providing for the issuance of General Obligation Refunding Bonds, Series 2010-C, of the City of Lawrence, Kansas; for the purpose of providing funds to refund a portion of the City's outstanding loans between the City of Lawrence, Kansas and the Kansas Department of Health and Environment; providing for the levy and collection of an annual tax for the purpose of paying the principal of an interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto. Aye: Amyx, Chestnut, Cromwell, Dever and Johnson. Nay: None. Motion carried unanimously. **(24)**

Moved by Chestnut, seconded by Dever, to adopt Resolution No. 6906, prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation

Refunding Bonds, Series 2010-C, of the City of Lawrence, Kansas, previously authorized by Ordinance No. 8504 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and action connected therewith. Aye: Amyx, Chestnut, Cromwell, Dever and Johnson. Nay: None. Motion carried unanimously. (25)

Conduct public hearing regarding a Community Improvement District (CID) at 23rd and Ousdahl Streets and consider adopting on first reading, Ordinance No. 8565, establishing a Community Improvement District (CID) at 23rd and Ousdahl Streets.

Roger Zalneraitis, Economic Development Coordinator, presented the staff report on the Community Improvement District, which read as follows:

“The following memo provides an overview of the Community Improvement District proposed at the intersection of 23rd and Ousdahl Streets. Based on the discussion below, staff recommends approval of the applicant’s petition. An ordinance or resolution is forthcoming to establish the District.

Overview of Proposed Community Improvement District

The owners of several parcels of land located at the intersection of 23rd and Ousdahl Streets have requested to establish a Community Improvement District (CID). The purpose of the CID is to provide for reconstruction and improvements to both the land and the buildings on the site. The total investment proposed by the applicants is approximately \$1.5 million. About \$558,000 of this will be infrastructure improvements, and approximately \$800,000 for building renovations. Much of the infrastructure is public, while substantively all of the building improvements are private investment.

The applicant proposes to finance this investment with a 1% special sales tax. The special sales tax would be in effect for 22 years, or until \$1.5 million of special sales tax is collected through retail activity in the District.

Lawrence CID Policy

The City CID Policy, passed on May 11th 2010, lists five criteria to evaluate whether to permit a new CID. An applicant must meet at least one of these five criteria to be approved for a CID. These five criteria are:

- redevelopment of existing commercial space;
- attraction of unique commercial, office, or industrial uses;
- new retail that adds to the sales tax base and is “unique and exceptional”;
- cultural or tourist facilities; or
- new infrastructure above and beyond the City Code requirements.

While the “unique and exceptional” language for retail is not currently in the policy, this was an oversight on staff’s part when finalizing the language for the Resolution. For the purpose of reviewing CID requests, we will treat the “unique and exceptional” language as if it is active.

After reviewing the proposal from the applicants, staff believes that two of the five criteria are met for this CID. These two criteria are: redevelopment, and new infrastructure above and beyond the City Code requirements. Each is discussed in more detail below.

Redevelopment

The CID can be a useful incentive for redevelopment of existing commercial districts. In these locations, there is generally less public improvement needed than private improvements. As such, an economic incentive that can finance private improvement may be more useful than one that cannot.

However, market demand can incent redevelopment without economic incentives. An important public consideration, therefore, is whether the market appears to be adequately investing in a particular area of the community for redevelopment.

The applicants have requested to establish a CID within the 23rd Street corridor. This corridor extends from Iowa Street on the west to O’Connell Road on the east:

[Map]

The commercial district is split in two as a result of residential properties near Haskell University. Not included in this redevelopment corridor is the new Fairfield Addition to the east. Fairfield is being developed on formerly vacant land, and therefore should not be considered as part of a redevelopment area. The applicant’s property at 23rd and Ousdahl is near the western edge of this corridor.

The following table shows the current commercial property value, as well as commercial investments over the last 5 years, in the 23rd Street corridor and in the rest of the City. This table does not show the value of land, only the value of real property:

The value of properties in commercial districts in Lawrence appraised at \$457 million. Of this, about 14 percent, or \$62 million, is in the 23rd Street Corridor. Over the last five years, the 23rd Street Corridor has received about \$12.5 million of the commercial investment within the City’s commercial districts. This is just over 12 percent of the commercial investment in the City’s districts. Accounting only for reinvestment, the 23rd Street Corridor has received a smaller share of investment. Only \$5.3 million of \$48 million- or around 10 percent- of all district reinvestment has occurred along 23rd Street.

This suggests that commercial reinvestment may be lagging in the 23rd Street corridor. Incentives might help increase private investment in this area. Thus, a CID may be appropriate to strengthen redevelopment of this important commercial area. The \$1.5 million of investment proposed by the applicants would be about 12% of the total investment on the 23rd Street corridor over the last five years.

Infrastructure

The 23rd and Ousdahl proposal contains a number of improvements to the private and public infrastructure at the site. This includes closing a curb cut onto 23rd Street; increasing the amount of pervious surface; improving the sidewalks as well as the curbs and gutters; repaving

and restriping the parking lots; and replacing the signs along 23rd Street, among other improvements.

The Planning Department has stated that the upgrades the applicant has proposed are not required by the Development Code at this time given the uses and redevelopment requested with the approved site plan. Improvements could be required if major redevelopment occurs in the future, but would occur in an ad hoc way compared to the consolidated fashion proposed with this request. Thus, every public and private improvement being made exceeds code requirements at this time. As noted, there were over \$500,000 of infrastructure improvements to the site, much of which is public. This amounts to over one-third of the investment in the project.

Additional Considerations

There are two other items that the City Commission should consider regarding this CID application. These are the amount of private investment, and the nature of reinvestment on the 23rd Street corridor.

First, the City's policy discourages, but does not prohibit, using a CID sales tax to fully finance private improvements. The proposed sales tax for 23rd and Ousdahl fully finances the private improvements included in the original request. However, the applicant is working on an additional project that could lead to over \$700,000 of private investment above that proposed in the original application. The applicant has discussed with planning staff the need for additional site planning for this particular building. This investment would not use special sales taxes, but the CID special sales tax on other portions of the project would make this additional investment possible. If completed, this would result in over \$2 million in project investment, making the 23rd and Ousdahl project one of the largest investments along 23rd Street in the last five years.

A second consideration is the nature of redevelopment in the 23rd Street corridor. The corridor is "stripped out", which means that much of it is very narrow. Ownership along the corridor is also fragmented. Both conditions make it difficult to undertake a more comprehensive redevelopment effort. This project mitigates these conditions by placing four contiguous parcels that span both sides of 23rd Street into a single CID for redevelopment. This helps make redevelopment in this area more comprehensive than conditions along the 23rd Street corridor generally allow.

Summary

The 23rd and Ousdahl proposal meets two of the five criteria for in the City's CID policy. It contributes to redevelopment by investing in an area that may not be receiving an adequate share of reinvestment. It also provides infrastructure improvements that exceed the Development Code for the anticipated level of use and development at the sites. In addition, more than \$700,000 of private investment will be funded without using the CID sales tax. With regard to conditions along 23rd Street, the project successfully merges several parcels into a single district, which helps promote more comprehensive redevelopment. Finally, this project is likely to be one of the largest investment projects along the 23rd Street corridor in the last five years.

Recommendation

Staff believes that it is appropriate to establish the CID as requested by the applicant, with a 1% special sales tax."

Jim Harpool, Director of Development, MD Management, representing the applicant, spoke about the history of MD Management. He said MD Management was representing 3 property owners whose goal was to significantly upgrade the recently purchased properties above and beyond what was required by City Code. The property owners, in partnership with MD Management had the resources to implement their vision, upgrade those properties, and provide all of the initial funding. He said this would be a "pay as you go" Tax Increment Financing (TIF) district and they would provide all the initial funding up front for the improvements as scheduled in the information provided and the CID, Community Improvement District would pay the property owners back over a period of time.

He said MD Management lead the team in getting the CID legislation approved in Kansas in 2008 and 2009 and glad that effort was successful. He said it was an excellent tool to provide infill redevelopment opportunities, in cities and towns.

He described and showed the area and improvements in the CID District. He said the City of Lawrence set 5 goals for establishing a CID and 1 or more of those goals, by code, needed to be met. He said MD Management thought this project met 3 of the goals which were: 1) promoted and supported efforts to redevelop sites; 2) attracted development that enhanced the economic climate of the City; and 3) assisted of building of infrastructure or new real property beyond what the City could require be built or otherwise be built.

He said in years 1 and 2 of the project, MD Management would spend about half of \$700,000 or 46% of those improvements. As the CID as projected, based on the sales of the tenants, it would take approximately 12 years to recover the initial money that would be put up front with no return whatsoever.

He said this was an important corridor and part of the original retail destination in Lawrence and this type of redevelopment, investment in upgrading infrastructure as well as properties set a standard for future CID's. This project ensured that any City private partnership would take into consideration the concerns of the public and the importance of keeping the City

up to modern standards. He said it was a combination of 3 property owners, joining together to upgrade their properties which was unique and were willing to enter into a joint access agreement so that curb cut on 23rd Street could be eliminated.

He said they met with Eileen Horn, City/County Sustainability Coordinator, and as a result, had committed to working on bike racks for those buildings; work with contractors to recycle materials on-site, both building and paving to minimize the amount of materials going to landfills; and, work with City to construct a bio swale on 23rd Street in lieu of the landscape berm.

There were discussion about the bus system and the location near the site and there was some desire to upgrade the bus stop on the south side, west end of the Hobby Lobby property and upgrade with signage on bus routes.

They also had conversations with the School District and had a narrow site with little opportunity for a lot of landscaping on the north property line, but would discuss with the School District where they could plant trees on the School Property at their cost and get those trees established making that north property line a lot nicer. He said they also wanted to look at the possibility of putting in a bio swale on the north line of the School property to help with the drainage at the intersection.

Any re-roofs would be white roofed as requested by the Sustainability Coordinator.

The Sustainability Coordinator made them aware of a State of Kansas Program whereby small business owners could work with Westar and KCP&L on an energy audit that would save utility costs for the business owner and loans could be obtained at a cost savings and when the loan was paid off, the business owner would receive full benefit. Also, any new site lighting would be energy efficient fixtures.

He said they had submitted the application fee and entered into a funding agreement with the City and reimbursed the City their annual administrative fee as provided in the

legislation and would complete a detailed redevelopment agreement with the City. A site plan was submitted to the City that was detailed and was prepared by Landplan Engineering.

Finally, he said there was debate about notification to the public regarding CID's and CID tax and whether it should be posted on properties. He said they were willing to do whatever the City Commission recommended. In the end, people shopping in Lawrence and knew this area was a Community Improvement District, those people could vote with their dollar on whether they wanted to shop at those establishments.

Mayor Amyx said without the CID, the properties would remain marginal.

Harpool said those types of things were not tough decision. The real challenge, particularly in old strip retail, were turning things around for reinvestment and stop the decline of a large piece of commercial property. Those properties would rent all day long, given their condition in age, relatively modest rent. He said that could continue to be done and not spend the CID and private money for decades.

He said "but for" the CID there would be some investment made, but to this extent, he said not by a long shot.

Commissioner Dever said there was not much discussion about the property on the south side of 23rd Street.

Harpool said they had not done a detailed site plan, but had it detailed in the proposal. He said there was a substantial amount of money to be spent on the south side, but needed to get a little further. There was an expansion study on the south side for that tenant and was not included in any of those cost, but preferred that tenant make their own announcement and then it would be tied in and they would submit a site plan to the City on the south side.

Mayor Amyx said he never liked the connection to Ousdahl on the north side of that property and in looking at the site plan that area would be a detention area more than a continued driveway.

Harpool said there had been discussion with staff about the stormwater issue at 23rd and Osdahl intersection. He said they were looking at the south side because of access parking and whether there was anything that could be done to fix or elevated that problem at that intersection.

Mayor Amyx said this was the only opportunity for this City Commission to look at those types of improvements. If the City was going to be giving an incentive, he had to look at what effect the property could have on the drainage at that intersection. If the City Commission wanted to entertain looking at ideas regarding the driveway, he asked what effect that would have on their property.

Harpool said he was thinking about the ramifications for their property as well as the corner property, how much room there was on the north edge of that property, and if there was room to get a drive as well as some detention area, but without study, he could not answer that question.

Commissioner Chestnut said 23rd and Osdahl stormwater was one of the big projects coming up. He said staff probably studied this intersection from a city standpoint enough that they might have indication in closing that access and creating detention, would have any impact or not. He said with the impervious surface on the south side and the slope that could be where all that drainage was coming from, but he did not know. He said it was an appropriate discussion but they might be in a position whether or not that would be any contribution to the improvement of the drainage.

Harpool said they were willing to take a look at this issue with the City and the effected properties and whether there was an opportunity. He said other schools were into the bio soils, detention, native grasses, and water quality, even at the middle and high school levels and they were willing to have discussion to look at opportunities to address stormwater issues.

Mayor Amyx said he was not trying to take away anyone's access, but it was a safety matter.

Harpool said the City had information on watersheds and where the water was coming from. He said the school parking lot had not curb or gutter and all the drainage came down to the north property line and whether there was an opportunity to intercept that stormwater on the south side of the street and make a significant impact.

Commissioner Johnson said regarding the access point onto Ousdahl, he did not know if removing the access made it safer or better. There was an issue of accessibility and there was a left turn movement onto 23rd Street that by going onto Ousdahl and turning at that light, afforded someone that ability to turn at a lighted intersection, east bound, versus coming out of that center. He said he would not subscribe to the idea that removing the access point onto Ousdahl made it better.

Harpool said they were willing to study the stormwater issue and do whatever they could to help at that intersection. In the long term, it was good for the properties and good for their tenants. He said they would make the commitment to study that intersection with city staff.

Commissioner Dever said he wanted to revisit the question about the south side because he saw that as an opportunity for a major improvement to the aesthetics. He said that area was a big parcel of land and well visited, but probably an over paved area for the type detailed structure that was needed.

Harpool said that area had more parking than needed. He said their goal was to do the same thing on the south side in terms of landscaping, islands, and site lighting as they were doing on the north side.

Commissioner Dever said that clarification was good for everyone and could look forward to understanding the entire improvement.

Vice Mayor Cromwell said what type of work triggered the City's new requirements as far as parking lots and greenspace.

Scott McCullough, Planning and Development Services Director, said the requirements for meeting and complying with the development code was triggered by the level of

redevelopment on individual parcels. He said for example, Yokohoma Sushi was not changing uses and a lot was triggered by the use change. If the use was more intense, defined typically by more parking, that would trigger a certain level of development that would kick in those development standards for repaving, sidewalks and commercial design standards. The Yokohoma site and Jimmy Johns would stay the same, but the third parcel to the north, if razed and a new structure was built, it would be a major development project in that one particular lot and would be required to comply with the code.

Vice Mayor Cromwell asked about the Hobby Lobby site.

McCullough said with the Hobby Lobby site there had been discussion about different levels of expansion that would and would not trigger standard and major. Depending on what Hobby Lobby would add on to that site, might or might not trigger full compliance with the development code. It might be just the addition needed to meet the code, but there was no authority to do improvements to the parking in the front.

Vice Mayor Cromwell asked if the determination would change if they decided there was a serious stormwater run-off problem at that site.

McCullough said the City Code gave staff authority if there was a serious run-off problem which had been part of their discussion and how to get more impervious area at that intersection. As he understood the discussion, this issue was bigger than what could be put on one owner or project in terms of addressing all of the stormwater issues at that intersection.

Mayor Amyx asked if it was the desire of the City Commission to bring this item back in 3 weeks with responses from the developer to questions asked by the Commission.

Commissioner Johnson said the responses from the developer would not change his opinion.

Mayor Amyx called for public hearing.

Kirk McClure spoke regarding the difference between economic development and economic activity. He said Community Improvement Districts should capture new demand;

support a larger planning effort; and was exceptional. He said the CID did not achieve any of those goals and was against the request for a CID.

Hank Booth, Lawrence Chamber of Commerce, said he favored the idea of using the CID tool to improve existing commercial buildings to 21st century buildings, changing the makeup of an area that Lawrence residents may drive by and ignore but that visitors notice as an eyesore.

Bob Shumm said that the CID statute seemed like a fine tool that could be used but that it should only be used for extraordinary development that would be unique and meaningful for the community; that this project fell short of those criteria; and he outlined various reasons that the use of CID in this case was bad tax policy.

Beth Johnson, Lawrence Chamber of Commerce, said she had been part of a group that worked with the state legislature on ways to help incentivize redevelopment projects. She said this was a great project in a prominent location and the city should give the developers the tool to make more improvements to the properties.

Commissioner Johnson said if the Mayor wanted questions answered by the developer to support this project, he would be okay waiting.

He said Zalneraitis did a good job of evaluating the merits of this CID. He said one key word was “redevelopment.” He said redevelopment was expensive and it was easier to build out, but at some point incentives for infill development were needed. He said there were 50 to 60 year old buildings that were run down as well as commercial buildings on 23rd Street. He said reducing access along 23rd Street helped.

He said the developer was going above and beyond what the code required and to ask property owners to upgrade and renovate their properties was difficult.

He said there was misconception where people thought a tax was being imposed with this project and that everyone had to pay taxes, but it was an elective tax if electing to buy from that location. He said downtown was one of the best commercial areas, but there were other

areas that were important too. He said he did not subscribe to the idea that the measuring stick that what was done at 23rd Street, how that effected downtown.

Commission Chestnut concurred with Commission Johnson that if Mayor Amyx needed questions answered he supported waiting, but also supported the project.

He said there were discussions about what the CID policy should be, but the policy was decided and part of the discussion was a focus on redevelopment. He said the statement about capturing new demand was criteria, but not exclusive criteria. Not all economic development activity was about capturing new dollars. A lot of economic development activity was about holding on to what you have.

He said he agreed the City needed investments all over the community and one of the stated steps in downtown development was to look at community development district in the downtown area. The priorities should be across the community to continue to develop the current infrastructure more than the 27 square miles the City had now. He said they discussed sustainability, walkable neighborhoods, access points the City tried to control, and signage on 23rd Street and some improvement had been made, but if wanting the retail space to serve the community and the adjacent neighbors, it was important. He said the project was meaningful for people that lived within a 4 or 5 block radius of that contiguous and he supported this project.

He said he read McClure's memo regarding the City's plans and how the plans identified downtown as the primary shopping district that was to be projected, preserved and enhanced, but that was not the City's goal. He said downtown development was to enhance the vitality of downtown while maintaining downtown as a unique community treasure. He said downtown was absolutely critical as one of the most attraction in this community, but the community needed the services to meet the needs 90,000 citizens and those things could not be on the peripheral of the City which would happen if the city did not have CID's because TIF district would be used and everything would go out to 31st and Iowa or greenfield space or end

downtown and that did not serve the needs of everyone in the community. He said those were important investments to make.

He said The Malls had deteriorated overtime and talking to the merchants, what would happen overtime, it was easier for the landlord to cut the rent slowly and to give up and that space would go from class B to class D and at some point those people would move out and that mall was done which created a giant hole to all the people that lived contiguous to 23rd and Louisiana and there services were basically vacant. He said it was a serious consideration for the community. He said some of the CID's would be large scaled and some districts small scaled because when looking at the way the City's retail was located, if doing a CID downtown, there would be a very important consortium of shop and building owners to create something like that and it might be large in scale, but tough to put together. He said all retail in the community needed to be supported and he supported this CID as proposed, but also supported the Mayor's concerns. He said they were only getting one bite of the apple and that drainage issue at 23rd and Ousdahl has been a problem for a long time and needed to be studied. He said he had concerns about cutting off that access, but the Mayor needed a comfort level about where that run-off was coming from and what were they dealing with in dealing with that stormwater issue. He said anything that could be done on the school property or something else would help mitigate the problem. He said his intuition told him it would not be significant, but they needed to look at it.

Mayor Amyx said he was looking for a comfort level and wanted to make the right decision. He said he wanted to know what the improvements to the property to the south would look like because it was an important piece of the puzzle. He said there was a major infrastructure problem at 23rd and Ousdahl and had concern about the access onto Ousdahl on the north side. He said if the City Commission was going to be asking people who were going to shop in that district to pay extra, then the Commission had to look at what effect redevelopment would have on the other areas.

Vice Mayor Cromwell said any redevelopment project would meet the criteria and almost all green field project would meet the criteria too if all that was needed was to go above and beyond the development code. He said talking about the criteria was irrelevant because all project go above and beyond the development code. He said it was not a free pass to receiving a CID and was a City Commission decision based on the good of the City.

This development was sitting at a site where there were 30,000 cars in each direction everyday and there were no green fields in Lawrence that had that type of traffic. Therefore, this slippery slope into oblivion he could not see that happening on 23rd Street because people would shop at that location. He said they had seen thing happen under the new development code. He said Hobby Lobby was looking at a renovation or expansion and that parking lot might be falling under the new development code anyway. He said they were razing one of the structures on the north side. He said when looking at that site things would be happening in that location whether that area had a CID or not. He said it worried him about setting precedent and it was up to the City Commission to establish the standards required for future CID request. He said the CID needed to be more exceptional. He said he also worried about the sales tax rate with the rate already being high. He said the ability for the City to raise sales tax from this City Commission, in the future, had been already taken by the State.

He said he was disappointed the City Commission had no information regarding the south side of this project and it amounted to well over 50% of this project. He said if the developer was not ready to present this project in its entirety, then the project should wait.

Commissioner Dever said every built environment had a useful life, but those buildings had not exceeded that useful life. Most the current buildings in that area could continue to generate rent with the existing infrastructure, generate a return on investment for the developers and/or the owners and continue to see the same businesses there for the next 10 or 15 years.

He said someone spoke about the redevelopment of the Food-for-Less property and that redevelopment was kind of a band-aid. He said the some one just threw some sealant on the

parking lot, restriped it and would look nice for about year and would look cruddy again because they did not spend the type of dollars that it would take for the long-term. He said those businesses might be renting and did not own the property and did minimal investment in order to see how their investment would work out in this community. He said this development could happen on its own or could happen through a natural progression of things and that was what made him nervous about getting involved in the natural progression of development and redevelopment and the aging of real estate. He said he was familiar what has been at that location and the two longest standing restaurants in this community were within 500 feet of that intersection. It was a viable part of the community, but the City Commission wanted to encourage the improvement, not just the keeping it on life support of property, but aesthetically improving. The corner of 23rd and Iowa was a great example that were new to the community and trying to establish a new retail trade and completely spend a ton of capital to make it look good. He said Freddie's Restaurant was a good example, but did not address the parking and the aesthetics of the lot and then CVS that invested a ton of money. He said he would like to see that type of progression all along 23rd Street, moving east. He said he wanted to help encourage that type of investment, but was reluctant to encourage investment with tax dollars. He said if the City Commission was going to steer any kind of dollars, it needed to make a unique and an indelible impression on that intersection by trying to improve the infrastructure meaning stormwater collection and general aesthetic of the parking, sidewalks, pavement and what people could drive by and look at, could have big impact on what people thought of this community. He said this had a place, but not right at this second and need more information on what happened on a large portion of the property.

Mayor Amyx said he would like to see the improvements on the north and south properties, the storm water area at the north driveway and the connection into Ousdahl with traffic and stormwater improvements.

Commissioner Dever said the City Commission needed to see if this development would be a passage of a 1 cent sales tax. He said he liked the idea, but did not think there were enough facts to make a declaration at this time. He said the developer would agree for circumstances beyond their control, did not have enough information on the south side of the property which disappointed him at first glance, but sure there was a good reason and sure it was information that could be gathered to help this development make more sense to the City Commission.

Moved by Chestnut, seconded by Johnson to close the public hearing. Motion carried unanimously.

Staff and the applicant were directed to bring back additional information for future City Commission consideration regarding proposed changes to both the north and south sides of the proposed district, information regarding the impacts on stormwater and traffic, and the possible changes to the access drive onto Ousdahl. (26)

Receive staff report regarding the Santa Fe Depot acquisition.

Diane Stoddard, Assistant City Manager, presented the staff report, which read:

“The City Commission has provided direction to staff to work with the BNSF Railway in order to acquire the Santa Fe Station (the BNSF Depot) located on E. 7th Street. In the most recent discussion earlier this year, the City Commission directed staff to make the transaction with the BNSF Railway contingent upon receipt of a Transportation Enhancement Grant, which will complete the ADA improvements and complete the first phase of the preservation project for the facility.

The City recently learned that it was not successful in obtaining the TE Grant. The next TE Grant round is anticipated in late 2011, with grant awards in 2012. There are other grant opportunities that the City may pursue. However, most opportunities would require acquisition of the property by the City and placement of the property on the Historic Register.

Status of Discussions with BNSF

BNSF Railway has provided the City with several documents to facilitate the real estate donation of the station. Conceptually, the documents provide for the donation of the building to the City and a long-term land lease on the ground. City staff has reviewed the documents and provided comments back to BNSF regarding the documents. Major issues identified by City staff at this point include environmental liability and cost sharing of certain costs in the future with BNSF on the facility. City staff is awaiting comments from BNSF regarding these and other items.

Next Steps:

Staff wishes to confer with the City Commission to confirm current direction regarding acquisition of the building since the City has learned that it was unsuccessful with the TE Grant. The City could work on proceeding with the acquisition without any contingency with the ownership transfer. This approach would more quickly place the Station in the hands of the City and could enable earlier placement of the structure on the Historic Register. Having the ownership issues completely solved and the Historic Register status obtained would improve the City's opportunities for grants. However, acquisition without a grant in hand would likely result in ADA liability, the need to fund other structural maintenance issues related to the building and daily maintenance activities. There are no City funds budgeted for this facility in either 2010 or 2011. Spending funds on this facility will require reduced spending on other City priorities and programs.

It appears that a possible strategy might be to continue with the acquisition negotiations, but continue to place a contingency of the receipt of a grant on the transfer. This would enable the City to consider the final acquisition and have a greater understanding about the financial commitment needed by the City as a result. Also, it would enable the City to complete the negotiations with BNSF and have the necessary ownership transfer documents in place, awaiting a grant. While this wouldn't enable the City to indicate that the ownership or Historic Register designation had been received, the City could indicate that all documents are executed and the ownership would take place if the grant were received. It does also appear that this option would be acceptable to the BNSF.

Recommendation:

Staff recommends that the City Commission direct staff to continue to work on Santa Fe Station acquisition with the BNSF Railway with the continued contingency of a receipt of a grant to assist with funding the acquisition"

Commissioner Dever asked if Stoddard had done research into what minimal levels of ADA upgrades would be required in order to meet the municipal standards and requirements either short or long term.

Stoddard said she had not looked into those standards or requirements.

Stan Hernlee, Hernlee Associates, said last December, their firm Hernlee and Associates completed the historic structure report. One of the elements was the handicapped accessibility issues and in the Historic Structures Report, they identified a number of major items to achieve full handicapped accessibility for the building. The solutions were outlined as the ultimate goal of what they wanted to achieve. As interim measures there were several things that could be done. The major items were making the bathrooms, handicapped accessible and usable to meet ADA requirements. The second item was that there was an

issue with the distances between the two main entrances in series. The third item, which was included in the grant application, was the drinking fountain issue. He said all of those items had potential to be achieved in a minimal way and would need to discuss some of those items, specifically with the building codes department. He said for example, both bathrooms had to toilets and the men's room had a urinal. He said the ultimate plan was to reverse the usage and reconfigure the space so there were two toilets for the women's bathroom, one toilet and two urinals in the men's bathroom, to not diminish the capacity of use for the bathrooms. However, the building was not being used to full capacity at this time and could potentially, instead of reconfiguring all the bathrooms, they could take out one toilet in each bathroom, put in a new partition, grab-bars, new facet sets that had the wrist bars. If that was something that was acceptable from a building code standpoint, because they would ultimately be reducing the potential number of users to use those bathrooms. He said if the building code department determined that change, as an interim measure, would be fine, that would be a good approach.

In terms of the entrances into the building, those were really an issue when both doors were in use. It was possible that one of the interior doors at both sets could be taken off so there was no longer two doors in a series or it could be they did not want the door removed because of energy conservation issues, but the door could be moved to a completely opened position when the building was open to the public. Currently, the door was locked most of the day and only opened when the trains come and go and other special events. He said for some minimal amounts money, the building could be made to meet ADA accessibility requirements, given those specific things that were proposing would be acceptable from a code standpoint.

Mayor Dever asked if the door widths were too narrow.

Hernlee said the doors into the bathrooms were 34 inch doors and the clear width requirement was 32 inches. He said right now the issues with the doors, if a different hinge could be used to allow the door to open completely, they might be okay, but needed to make sure those doors could take that type of hinge.

Mayor Dever said it did not sound like a huge investment.

Hernlee said correct.

Mayor Amyx asked who would sign off on those improvements.

Hernlee said the handicapped accessibility issue, needed to be shown they were meeting the clearances and specifics related to the ADA guidelines. He said that would show on their plan. The main issue was reducing the number of fixtures in the bathrooms which was primarily a code issue. The number of toilets and sinks that were required was related to the number of people that could potentially be in the building at one time.

Mayor Amyx called for public comment.

Craig Patterson said that as a citizen, he had experience with depots in Lawrence including the Union Pacific Depot which was seen as a redundant depot not used by the railroad and was thus repurposed, but BNSF was an operating depot and he encouraged the City Commission to move forward with acquisition of the depot.

Carey Maynard Moody, President of Depot Redux, provided an update on Amtrak. She said this project was part of a larger effort to improve passenger rail in the region that Depot Redux had applied for non-profit status and was ready to help raise funds for renovation of the depot. She supported continued movement toward acquisition.

Tom Harper, member of Depot Redux, recognized Stoddard for her work with the railroad and said he felt the project had taken a life of its own. He said he was glad the Commission was on board with the project, and said this building was important and worth saving.

Hank Booth, Lawrence Chamber of Commerce, said he enjoyed helping and he knew people were willing to help improve the depot with volunteer work and efforts pitched in by the business community.

Stan Hernlee said the process for historic register listing was a 5-6 month timeline and that the only real requirement was that the owner had to sign off on the application.

Diane Stoddard said that BNSF had indicated that they were not interested in listing the depot on the register as long as they owned it.

Paul Grohobek said he hoped that with a little more volunteer help, more work could be done.

Dennis Domer explained aspects of the historic register process and said that the group was ready to submit the application as soon as the City owned the structure.

David Corliss, City Manager, said one of the great things about this project was the community effort and heart. He said he was the project manager for the Santa Fe Station and there had been years of work before the City acquired that property. He said the City was not able to do anything with that property until the city acquired a grant. He said UPR did not have an active use which was different from the Santa Fe Station. He said when the City received the grant it was short by 50% of the necessary cost to do the project and the City had to talk KDOT into upping the grant. He said it was the first Transportation Enhancement Project in the State of Kansas.

He said staff was excited to move this depot into better shape. The great news was this depot had a lot of community support. He said with Stoddard's continued efforts in coming up with a good solution. He said they needed to get an acquisition agreement in place, contingent upon the City's ability to receive grants and staff was continuing their efforts whether through TE project, KDOT, Historic Preservation funding, or Amtrak funding. He said staff would look at ways to put together the necessary funding to make that happen.

Stoddard said that BNSF regarding the City not receiving the TE Grant, they were willing to move forward in the acquisition discussions and continue to have some type of contingency. She said BNSF knew it took a while to put things together and were helpful.

Commissioner Chestnut said he agreed with staff's recommendation for a contingency. He said with BNSF being an active depot and if the City were to acquire the property with not having the funding in place, the railroad and Amtrak had minimum requirements on the

operation of that facility and could possibly hold the City accountable for those standards as well because the City Commission had to work a deal with the railroad to provide space for the Amtrak in the building and would also have a minimum requirement. He said once those tables turned, and the City acquired that station without any funding in place, they might find that the tenor of the discussion change because Amtrak would no longer have ownership or liability and now Amtrak would try to press that liability and compliance on the City and that minimum requirement might not be up to Amtrak's standards. He said there were moving parts the City Commission had to be careful, but needed to keep this idea going forward. He said that step of pursuing that ownership was unfettered from any of the contingencies, could be a sign to Amtrak that the City was willing to take this project on, whatever the responsibility and it might change some of the balance in the negotiations. He said he would prefer to work with the SantaFe, BNSF, and Amtrak with the idea the City needed that contingency and funding in place before moving forward.

Commissioner Dever said it was a good point about the standard the City might need to be held to. The question that needed to be asked was, in the event the City took ownership of the building and leased out the portion of the building to on-going operations, he asked if the depot could be closed to the public, minimizing the City's impact. In other words, let Amtrak do the upgrades to the actual public areas outside, ingress/egress, to the platform, including the platform and if worse came to worse, close that portion of the building to the public use and only have the outside area for public use.

Stoddard said that idea was a possibility, but that would be something Amtrak would want to weight in on. She said the times the train was arriving and departing, was nice at the time, but in the winter, it was difficult to be outside in those conditions, but the idea could be looked at and considered. She said Amtrak was very interested in the City taking the ownership of the station and Amtrak was willing to work with the City and Amtrak might have some ideas and other support.

Commissioner Dever said Amtrak already committed to the platform.

Stoddard said yes.

Commissioner Dever asked if Amtrak had given a timeline for that platform.

Stoddard said all of those projects needed to be completed by February 2011.

Commissioner Dever asked if Amtrak had given a timeline.

Stoddard said Amtrak indicated the timeline for the platform would be very soon.

Commissioner Dever said there was an end date, but know actual or critical path for that platform to occur.

Stoddard said not that she had heard.

Maynard Moody said she had a conversation with Derrick James, Government Affairs at Amtrak, regarding shuttering the City's station because it was not ADA compliant and that was the very last thing Amtrak wanted to happen. Some of it had to do with the arrival times of this particular train which would not change, it was a possibility, but not desirable for the public for many reasons. She said many of Amtrak's stations were not ADA compliant either and Amtrak was scrambling to try to figure out a way to work with the Federal Government for the cities that actually owned the stations, to slowly make step by step, good faith efforts. Amtrak did not have the funds because the government had not seen fit to give Amtrak funding.

Commissioner Cromwell said this site was currently in violation of ADA compliance, but had a free pass.

Stoddard said under the current arrangement, Amtrak was the one responsible party for the ADA improvements and staff understood Amtrak had an extension on ADA compliance which expired July 2010.

Commissioner Cromwell said interestingly enough Amtrak was in violation.

Stoddard said Amtrak was aware because it was a national issue for Amtrak.

Commissioner Cromwell said if the City took the station, the City would be in ADA compliance violation. He asked how the City would figure out what were the minimum requirements for ADA compliance and how much were those costs.

Stoddard said staff was working through those voluminous documents such as the transfer agreement, real estate, the lease back agreement to BNSF and then there needed to be an agreement the City had with Amtrak on the use of the station. She said particularly on the Amtrak piece staff had not started, although the City had a draft agreement from Amtrak. She said staff needed to look at all of those agreements carefully and bring to the City Commission those agreements.

Commissioner Chestnut said from a more pessimistic side of himself, he asked that everyone remember the Amtrak side had attorneys and changing leadership. He said what could happen, in the worst case scenario, was Amtrak could sue the City for breach of whatever agreement the City came to if the ADA compliance, in their mind, was not up to what Amtrak considered to be the code. He said he had been through that scenario and it would happen if Amtrak felt it was not up to standard and the City was on the hook to pay for those compliance issues. He said Amtrak would not sue them selves. He said it sounded like Amtrak was trying to be amicable with many of the other municipalities to try and figure it out, but once the City's name was on the deed, those times could change and that was the risk. He said if the City could make distance with that contingency, from his standpoint, he would feel more comfortable. He said there might be a point where the City Commission had to look over the precipice and either jump off or not, because the City had gone as far as they could go, but he was not sure if the City had reached that point yet.

Commissioner Johnson said he was okay moving forward, but contingent upon funding.

Mayor Amyx said it was purely financial. He said the City Commission would continue to receive help on the Federal side of this issue from Maynard Moody. He said there was also the idea of the City doing all of those improvements and Amtrak wanting the station back.

He said anyone could notify the City Commission or staff regarding any type of funding for this project and its improvements. He said he would like information on the minimum ADA requirements because the City had an offer on labor support.

Commissioner Dever said the City Commission would receive information about what the ADA requirements might include and perhaps change the City Commission's opinion, but for right now, go with staff's recommendation which was to continue to operate and negotiate, but if the City did not have ownership then the City might not get the grant and could not seek placing this station on the historic register. He said the City was in limbo.

Mayor Amyx said correct, but if there was a minimum requirement, without the City being in violation of ADA compliance or the City needing to come up with a lot of money the City did not have, he wanted to know that information.

Commissioner Dever said he agreed on with receiving that information. He said the city did not have the money and needed put together a plan if the City could make those upgrades in an economical fashion with concession with the City and the user.

Vice Mayor Cromwell said it was important to consider the worst case scenarios because it was in the best interest of the City of Lawrence. He said the City was good a receiving grants and were working hard to make sure the City had that funding necessary. He said he had great confidence they would move forward.

Moved by Dever, seconded by Cromwell, to concur with staff's recommendation and direct staff to continue to work with BNSF toward acquisition contingent on receipt of grant funding for the renovation of the building. Motion carried unanimously. (27)

The City Commission recessed for 5 minutes.

Consider adopting on second and final reading, Ordinance No. 8560, pertaining to portable toilets, as amended by the City Commission on 08/17/10.

John Miller, Staff Attorney, presented the staff report, which read:

On August 10, 2010, the City Commission considered whether to regulate portable toilets and directed staff to prepare an ordinance pertaining to portable toilets. On August 17, 2010, the City Commission received the ordinance, took comment from citizens and passed Ordinance 8560 with amendments.

Based on the City Commission's direction, Ordinance 8560, as proposed, prohibits portable toilets on residentially zoned property, with exemptions. It allows portable toilets to remain on residentially zoned property between home football games if consecutive home football games occur. It allows portable toilets on the camp property of the Lawrence Hidden Valley Committee Inc. The ordinance also allows portable toilets within recreational vehicles anywhere throughout the City. To reduce unknown and unintended consequences, an exemption was added to allow portable toilets on residentially zoned property with approved nonresidential uses.

Instead of requiring a portable toilet permit for events such as weddings or graduation, the ordinance allows all residentially zoned property the opportunity to have portable toilets up to four consecutive days but only two times per calendar year. Requests for additional time may be granted by the Director of Planning and Development Services.

Ordinance 8560 pertaining to Portable Toilets is attached for City Commission review and consideration.

Action Requested: Review and pass Ordinance 8560 pertaining to Portable Toilets, if appropriate.

Mayor Amyx called for public comment.

Mark Thompson, Anderson Rentals, said he thought the ordinance was a good compromise and recommended approval.

John Becker commended staff for their response to the concerns of the community and the ordinance was an appropriate balance.

Ordinance No. 8560, enacting Article 10 of Chapter 9, of the Code of the City of Lawrence, Kansas 2009 Edition, and amendments thereto, pertaining to portable toilets, was read a second time. **Moved by Cromwell, seconded by Chestnut,** to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (28)

Consider request to replace all existing curbs at W. 10th Place, W. 10th Terrace, and Randall Road as part of the existing 2010 street maintenance program.

Stan Trekell, Lawrence, said starting in March 2009, he kept a computer file of the correspondence between the City Staff and the City Commission. He expressed concern for

the continuing deterioration of the road system, including the curb and guttering and the asphalt surface in his immediate neighborhood which included West 10th Place, Randall Road, and West 10th Terrace.

He said adjacent neighborhoods were undergoing construction pre-staging which was leading to a mill and overlay as well as curb and guttering replacement, but not in his neighborhood, Yale Road, College Boulevard, 9th Court, Arizona Court.

He said City staff met with the neighborhood and out of 24 residences in the neighborhood, 22 residences' homeowners showed up. He said what came out of that meeting was an impasse and the City's view was that replacement of the curb and guttering in that neighborhood was not funded and was not written into the budget. He said he thought he made his voice heard, but was under the impression those improvements were going on in every other adjacent neighborhood street, except their street which he felt would be a different package of public service delivery to the neighborhood.

He said he met with the Public Works Director and determined City staff would take a look at his concerns. It was disclosed at that meeting that public funding was not available, had not been budgeted and was not forthcoming. He said his neighborhood would receive the inside curb radius of two intersections located at West 10th Place and Randall Road and West 10th Terrace and Randall Road replaced. There were other areas in the neighborhood that were crumbling. He said after City staff reviewed their area and tagged the curbing system. He said he thought City staff was surprised the number from the road assessment management system software did not properly identify his neighborhood being as deficient as it was.

He said the City Manager said staff did not have the authority to make a decision as to whether or not the condition of the curb and guttering needed replacement or not. He said he had asked for in-field engineering studies determining the criteria and where those boundary lines for benefit were being drawn and why their neighborhood was being overlooked.

He said he worked in real estate and made it a point to drive every street in Lawrence at least 4 times a year. He said he had vested interest in his neighborhood because that was where he lived and called home. He discussed the deterioration of his neighborhood and wanted what was fair and equitable for his neighborhood given every other neighborhood received complete replacement.

Mayor Amyx said the request was to ask the City Commission to change the 2010 Street Maintenance Program and place new curbs at West 10th Place, West 10th Terrace, and Randall Road.

Trekell said correct.

Mark Thiel, Assistant Director of Public Works, presented the staff report, which read:

Background

Recently a question arose from a resident, Mr. Stan Trekell (1017 Randall Rd.), as to the level of curb removal the city was undertaking on Randall Rd., 10th Ter., and 10th Pl. His concern was that we were not removing and replacing 100% of the curbs similar to what other streets in the area are receiving (Arizona Ct., 9th Ct., Yale Rd., and College Ave.). Mr. Trekell originally contacted the City of Lawrence in March of 2009 asking us to evaluate Randall Rd., 10th Ter. and 10th Pl. for consideration in a future mill and overlay. Staff visited the area and added it to the list of potential locations for the 2010 program. It was not originally selected by the database as a potential area for 2010 but made the list after a site inspection and as a concerned area of the residents. In July of 2010, as the mill and overlay project was getting underway; Mr. Trekell again contacted the city with concerns about the level of curb that was marked for removal. Steve Lashley and I met with Mr. Trekell on site and walked the entire 2,800 linear feet of curb marking additional curb for removal (approximately 18%) leaving the structurally sound areas unmarked. In August Mr. Trekell again contacted the City of Lawrence to inquire as to why their area was not receiving complete curb replacement when others around them were. City Manager David Corliss, Public Works Director Chuck Soules and I met with Mr. Trekell and some neighbors to address the issue and explain how we came to our decision.

The decision and choices that we make related to our pavement management program go back to the original planning meeting we hold each year to determine the sections of roadway that will receive maintenance and to what level. In preparing for the 2010 maintenance program we started by utilizing the pavement management database. We queried the database which calculated an amount of work based on an approved budget verses need. Streets are added or deleted based on several other criteria, one being citizen input. (See map 1, October 2009 planning map. Pg. 4)

The 2010 pavement management budget in the amount of \$4,900,000 was approved in August of 2009. Based on that amount the database quarry was narrowed to fit within the allocated dollars. Meetings were held to receive input from the pavement engineer, public work director, city manager, street division manager, utility companies, as well as from citizens. All of this data

along with known problem areas were then reviewed and a final plan was submitted to the City Commission for approval.

This was the case for Randall Rd., 10th Ter. and 10th Pl. Mr. Trekell had contacted the city inquiring about the next scheduled maintenance for these streets. It was decided to add these streets to the 2010 program after consideration of Mr. Trekell's concern, combined with PCI ratings, site visit inspection, and review of areas already part of the 2010 program. This results in some sections being eliminated from the plan in order to add other areas. In this case several sections of streets as recommended by the database were not included in the 2010 plan (see attached table 1. pg. 5). The 2010 program was approved by the City Commission in November of 2009 (see map. Pg. 6).

Upon approval we begin to design our projects around the approved plan and budget. Each year we perform crack sealing, microsurfacing, concrete rehabilitation, a KLINK project and two phases of mill and overlay.

Phase 1 Mill and Overlay is generally only a mill and overlay; only small sections of curb, if any, are repaired with this project. The sections of pavement in this phase do not need full curb replacements. Under normal project selection the streets in question (Randall Rd., 10th Ter., and 10th Pl.) would have been included in phase 1 due to the limited amount of curb needing to be replaced. To better illustrate this I have attached a map (see map. pg. 7) that shows streets that were overlayed between 2008 and 2010 that did not receive much, if any, curb replacement as part of the project. Also inserted for comparison are photos of the curbs showing their condition in various locations as well as curbs from Randall Rd., 10th Ter. and 10th Pl. (see photos. Pg 8 to 15).

The Concrete Street Rehabilitation Project is another project that receives only necessary curb replacement. Typically concrete streets will receive full depth patching and partial curb replacement as illustrated in the attached photos of Inverness Drive concrete street rehabilitation from 15th to 23rd St. (see photos. Pg. 16).

Of the 2,800 linear feet of curb and gutter on Randall Rd., 10th Ter., and 10th Pl. only 504 linear feet actually needs to be replaced, or approximately 18%. This represents a minimum removal and replacement of 3 foot sections of curb. Randall Rd., 10th Ter., and 10th Pl. were included with Phase 2 Mill and Overlay because of their proximity to other sections that were part of Phase 2, i.e. Yale Rd., College Ave., 9th Ct. and Arizona Ct. These sections of roadway had a minimum of at least half or 50% of the curbs in deteriorated condition requiring complete removal and replacement. (See summary of pavement sections and maintenance history. Pg. 17)

One goal of the program is to be as efficient and effective with the limited resources available. That requires tough decisions to be made. But in all cases we apply sound engineering rules to our decisions. It typically is not part of our program to replace curbs that are structurally sound and in good condition.

Adding the entire section of curb and gutter along Randall Rd., 10th Ter. and 10th Pl. would require the addition of 2,296 linear feet of curb and gutter at a cost of \$66,476 plus incidentals such as roof drains, sprinklers, and sump pump drains. In order for this additional curb work to be added and not raise the cost of the project another scheduled location would have to be reduced or eliminated.

Currently 15th St. (Connecticut to Haskell) and 13th St. (Connecticut to Haskell) are the only remaining streets scheduled as part of Phase 2 Mill and Overlay that have not been either

started or completed. In order to replace the curbs requested the funds would have to be taken away from 15th or 13th St. or another funding source would have to be identified.

Recommendation

The majority of curbs on Randall Rd. 10th Ter. and 10th Pl., (80% plus) are structurally sound and do not need to be replaced. Staff recommends that these additional curbs not be replaced as requested by the residents, and direction be given to proceed as planned to mill, overlay and repair deteriorated curbs at previously approved locations.

Mayor Amyx called for public comment.

Ron Murphy said that in his 20 years in the neighborhood he had seen very little street maintenance and said the Commission should consider that repairs needed to be revisited in future years.

Darren Rousch said the number one concern of Lawrence residents was to maintain condition of existing streets and that patch work needed to be revisited in future years and that he was hurt that surrounding streets were receiving repairs while his street was neglected.

Richard Johnson said it was embarrassing to have visitors come and see the condition of the streets and curbs, and he has had visitors comment on the condition of the streets, which was deplorable.

Commissioner Dever asked if the \$66,000 estimate included perceived required improvements to driveway aprons.

Thiel said yes. The only thing it did not include was unknown intangibles until the curb was take out such as sprinkler heads, roof drains or sump pump drains which could potentially add as much as \$5,000 to \$7,000.

Commissioner Dever said he was sorry this issue had gotten to this point and everyone's neighborhood was the most important area. He said he was not aware of this problem until he received a call from Trekell. He said he took a look at the infrastructure, inch by inch, trying to determine what was the big deal in the inconsistency between how the City was treating roadway A versus roadway B. Part of his job was evaluating construction and knew that concrete had a minimum useful life of 50 years. He said with this particular area,

good quality concrete was used, but the problem with roadways in other areas was that poor materials were used based on specifications at the City and roads were crumbled. He said it was an embarrassment to the community. The quality of the materials used was an embarrassment and the way the street looked was an embarrassment, and was sorry Trekell was comparing the treatment on the roadway, from what he was told was crumbling, to one road that was poured properly.

He said the City did not budget this area or plan on it for whatever reason, but he interpretation was that staff tried to get areas along until the City could afford to repair roads in the long term. It was not the best roadway, but there were a lot of roadways and curbs in this community and after making the required repairs, there would be a marked improvement in the quality of the road and curbs. He said there was an aging infrastructure in this community and the worst part was the newer infrastructure was failing before some of the older structure and had to pay catch up. He said he was sorry for the misunderstanding whether there was a need or not, but it was troubling the City was replacing roads and curbs that were 20 years old and the roads and curbing in Trekell's area was still around. He said he evaluated the road and determined there was good cause to get by with what the City could, until the City could replace the entire area. He said this particular area was not in the budget.

Commissioner Chestnut said he was not going to make an argument on the condition of the City's streets because the streets were not up to standards. He said it was an unfortunate situation that pervious City Commission's deferred \$10,000,000 or \$20,000,000 worth of expenditures over a period of over 20 years that put this City Commission in this situation.

He said City Staff were not policy makers and given staff's instruction and direction, from the City Commission about what they approved in the plan, he expected City staff to have vague answers, unfortunately because staff was in a difficult position to say that they did not have the authority to make a resource allocation change, that was a City Commission decision.

He said staff had gone through a lot of effort to look at this situation as well as a lot of situations on a daily basis.

He said he was not in a position to make a decision about the amount of curb repair needed, but there was some long term thinking about cutting into that monolithic concrete, then they might be introducing a lot more expense down the line. He said at some point the rest of that curb and gutter needed to be replaced, but did not know how to address that replacements.

He said he did not want to go down that path because this discussion could take place in every neighborhood for the rest of the year and the City Commission would be challenged to look at it. The street pavement index was what the City relied on and it served the City well to take limited resources and allocate those resources toward a problem where the City had less funding than needs. Unfortunately, one thing it clearly considered was the amount of traffic which was part of the equation. There was not doubt that arterials and collectors were going to get more attention. He said it was a no win situation and supported staff's recommendation.

Vice Mayor Cromwell said unfortunately there were limited resources and had to allocate resources across the entire City where those streets and curbs were worse. He said as an end result, the City Commission wanted to do their best for the neighborhoods and the best, at this particular point in time, was what the City had budgeted and to do anything else, the City had to take resources from elsewhere. He said he was asking the neighbors for their continued patients with curb and gutters and be thankful the street would have an overall improvement in what would be replaced.

Commissioner Johnson said he could empathize and knew the neighborhood did not want to be told "no." He said it was a lose/lose situation and the City was dealing with thin resources and were trying to allocate those resources the best that they could. City Staff was doing a great job with working with limited resources.

He said Trekell's comments would not be lost with this City Commission and this Commission had made maintenance and improvement of infrastructure a priority, but the

problem was that those improvements could not be made overnight. He said Trekell had been very patient, but needed to continue to be patient. He said City Commission's going forward on going to need to dig in and make the City's public infrastructure streets a priority.

Mayor Amyx said he appreciated the neighbor's comments and had a concern about their deteriorating area.

He said after visiting with City staff, cutting that concrete street did concern him. He said roadwork was being done in this area and an overlay would be done on that street because it was already milled and they were getting ready to place new asphalt down. He said financially, it could not be done. The City budgeted 4.9 million dollars in August 2009 and it was all going to be spent throughout the community. He said if the area at 10th and Randall was going to be a band-aid fix, he asked if it should be the first project considered next year, but if going through the same pavement management system, it was going to take into consideration the same factors. He said staff might need to look at this project as a priority for next year or figured into the pavement management system for recommendation. The only thing was if they cut it next year, what happened to the new asphalt the city was laying. He asked if the curb and gutter could be looked at next year.

Soules said staff could look at those curb and gutters.

Mayor Amyx asked if the new asphalt could be saved.

David Corliss, City Manager, said staff could try to figure out how to try to do that, but Soules point was going back in on curb work would probably do some damage to the street, but did not mean the street could not be fixed too. He said staff's statement was that the street needed to compete with all the other priorities of the community.

Mayor Amyx said as long as that street was in the system to be considered, if it came up to be a priority a year from now, based on recommendation that was all that could be done at this point. He said asphalt needed to be placed back down on that road. He said the City did

not have the \$66,000 to spend at this point. He said he wanted to do as minimal damage to that new asphalt.

Trekell asked if there was any reason to delay any curb and guttering repair and revisit the entire question next year because most neighbors were in the opinion to have it done right or not at all. If they were going to try and save the City money, he asked if it made sense to do the overlay and leave the curb and guttering alone.

Mayor Amyx said sometimes that could be done, but because of public safety which was discussed and the fact there were not sidewalks in that neighborhood, those improvements should be made at this time.

Trekell asked about the photographs that he presented of areas that were not marked or slated for repair and what was the Mayor recommendation to staff on those areas.

Mayor Amyx asked if Trekell meant doing additional work based on those photos presented.

Trekell said correct.

Commissioner Cromwell asked how many linear feet that Trekell marked.

Trekell said he did not know the amount of linear feet. He said he was out to capture the image than to make mental notes of how many running feet of linear feet, but would say certainly less than 500 linear feet and more than 200 liner feet.

Mayor Amyx directed staff to visit with Trekell about the extra areas and come back to the City Commission with a dollar amount for those extra areas.

Corliss said he suggested replacing as much of the curb as they could, but they could not replace the entire curb. He said those curbs were not in that bad of shape generally, there were some places where a little more work could be done and could do more work on the cosmetic issues as opposed to some of the structural issues. He said a decision needed to be made.

Commissioner Dever said where Soules was going with this issue was that the City had a replacement cycle in this community. He said there were portions of this curb and guttering that were in need of repair and those would be addressed. He said he also thought there was a good chance the asphalt surface would be damaged trying to back next year and fix the concrete. He said with all do respect to the neighbors he would hate to undo and waste the City's precious resources trying to fix what might or should have been done to begin with, the question was what about the next cycle and ignoring the pavement index and slating it for proper repair at the next level of resurfacing and replacing. He said that made more sense than damaging work the City would do because that area was milled the surface and something needed to be put back.

Corliss said what the cost was per linear foot on curb.

Thiel said this project was bid at \$18.50 a linear foot. He said regarding additional patching, as with any of the City streets, once the existing surface was milled and the contractor began working, the liner footage of replacement did grow somewhat, but not significantly enough to incur major costs to the project. The areas that Trekell was talking about would more than likely be repaired with this project and would expect it to be less than 100 feet, but did not know until the contractor started removing concrete.

Corliss said neighbors knew their neighborhood better than the City staff did. Staff knew City programs and priorities well and City Staff dedicated their careers. He said if Trekell's number was correct with 200 or 300 additional feet, the Commission could direct staff to spend an additional \$10,000 on curb work in the area and involve the neighbors in selecting those areas, understanding staff's priorities were for things that were more structural and less cosmetic. He said staff saw the street as road and drainage purposes. He said that money could be spent out of fund balance, but could not spend \$60,000 to do everything. He said it would be patch work and probably would not satisfy Trekell's concerns, but at least they could get at some more of the curbs staff had not seen as an aesthetic issue. He said his concern

about waiting was mobilization issues and the project needed to be completed. He said staff would look at it next year, probably with crack sealant to try and prevent moisture. He said staff would pay attention if there was additional curb work and could possibly go in on an isolated incident.

He said 13th and 15th Streets had not been done or staff had not talked to those neighbors either. He said staff would be spending fund balance down or going into reserve funds or deferring something else.

Mayor Amyx said that would get the area further ahead and that was where the Commission needed to go. He said they would try and do as many curb repairs that Trezell and the neighbors pointed out, but the base of that asphalt needed to be done too.

Moved by Chestnut, seconded by Dever, to authorize staff to include an extra \$10,000 for additional curb work on Randall Rd., 10th Terrace and 10th Place. Motion carried unanimously. (29)

Receive staff report regarding primary election for Office of City Commissioner and consider adopting on first reading, Charter Ordinance No. 41, exempting the City of Lawrence from the non-uniform state statute on primary elections for the Office of City Commissioner and requiring a primary election if seven or more candidates file for office. Charter ordinances require a super-majority vote (four affirmative votes).

Toni Wheeler, Director of Legal Services, presented the staff report, which read:

Background

On July 13, 2010, staff presented a report to the City Commission on primary elections for the office of city commissioner. The Commission directed staff to seek input on the appropriate or preferred number of candidates filing for office that would cause a primary election to be held. Staff sent the attached correspondence to organizations interested in local elections.

Tom Kern, on behalf of the Lawrence Chamber of Commerce, commented that the Chamber supports the primary election process because it provides citizens an opportunity for more involvement in the election process and greater knowledge of the candidates for office. Other than Mr. Kern's comments, the City Manager's Office received no other communications on the topic.

Attached is Charter Ordinance No. 41 exempting the City from the non-uniform state statute on primary elections for the office of city commissioner. The charter ordinance will require a primary election if seven (7) or more candidates file for the office of city commissioner. Four commissioners must vote in favor of the ordinance for it to pass. The charter ordinance must be

published in the newspaper for two consecutive weeks. It will be effective 61 days after final publication unless a sufficient petition for a referendum is filed.

Action Requested: Adopt Charter Ordinance No. 41, if appropriate.

Mayor Amyx called for public comment.

After receiving no public comment, David Corliss, City Manager, asked how soon could Commissioners and members of the public start applying for candidacy next year.

Jonathan Douglass, Assistant to the City Manager/City Clerk, said he was preparing materials to update the website. The filing deadline was January 25, 2011, at noon.

Mayor Amyx supported the Charter Ordinance.

Moved by Cromwell, seconded by Johnson, to adopt on first reading, Charter Ordinance No. 41, exempting the City of Lawrence from the non-uniform state statute on primary elections for the Office of City Commissioner and requiring a primary election if seven or more candidates file for office. Motion carried unanimously. (30)

Consider authorizing the City Manager to enter into an Engineering Services Agreement with Bartlett & West for surveying services in an amount of \$33,575.00 for project PW1012, Street Reconstruction and Geometric Improvements for Iowa Street, Yale Road to Bob Billings Parkway.

Chuck Soules, Public Works Director, presented the staff report, which read:

Background: Iowa Street was constructed in 1951 – almost 60 years ago. On April 27, 2010 the City Commission received a report from staff on the condition of Iowa Street from Yale Road to Bob Billings Parkway, noting this area had the most significant failures (4/27/10 memo). The direction from the City Commission was to proceed with design for reconstruction of this section of Iowa. Staff recommended the engineering firm of Bartlett & West to complete the design of this project and the City Commission approved this recommendation on July 13, 2010.

Status: The City milled and overlaid Iowa from Irving Hill Overpass to Yale Road earlier this spring as a result of significant deterioration due to the severe winter and failing base. Significant rutting is now occurring on the northbound and southbound lanes south of Bob Billings Parkway. Attached are pictures of core samples which show the base failure.

Because this is a State Highway, staff and Bartlett & West met with KDOT to discuss the scope of the project. Traffic modeling, utility issues and KDOT expectations were discussed as well as design issues for lane widths, intersection improvements, pavement section and materials.

Details: To get the project moving, staff is requesting City Commission consideration of a contract with Bartlett & West to begin surveying Iowa from Harvard Road to Bob Billings Parkway. KDOT plan development/review is a 27 month schedule and the City would like to bid this project at the end of 2011/beginning of 2012 (18 months).

In order to provide the consultant with a well defined scope of service and receive the most cost effective project, several issues need further investigation, discussion, and clarification to direct what improvements should be included within the project.

Issues Needing Further Review:

- Project Limits – Will the project extend south of Bob Billings Parkway? This would include both engineering and construction costs.
- Sidewalks - The sidewalk on the west side is continuous. The east side has a new sidewalk that ends at University Drive. Do we want to continue the sidewalk on the east side to Bob Billings Parkway? There is a significant drainage channel to cross and a hill at the intersection. Staff has also been asked to evaluate if a multiuse path could be included in the project. Issues of right-of-way, cost, and design need to be reviewed further for the sidewalk/multiuse path needs.
- Intersection - If the project extends south of Bob Billings Parkway should the intersection be included? Should the intersection be reconstructed with the same configuration or look at future traffic needs (right-turn lanes, dual left turn lanes)?
- The westbound lane of Bob Billings Parkway has a substantial grade difference. If the intersection is rebuilt should the grade of the westbound leg on Bob Billings Parkway be improved?

Staff would like to provide the Commission with additional information on these items and receive direction before an engineering contract is completed. This will ensure that we do not over/under design the project and are able to deliver the most efficient design.

Action requested: Authorize City Manager to enter into an Engineering Services Agreement with Bartlett & West for surveying services in an amount of \$33,575.00.

Commissioner Dever asked if the engineering surveying services for this addition dramatically change the overall cost or estimate for those services.

Soules said it might change the cost, but it depended on what the City Commission wanted done with that intersection.

David Corliss, City Manager, said he understood the Commission's priorities to be to rebuild a road that was failing and also add a 5th turn lane. He said staff wanted to look at the intersection, but the capacity issues at that intersection were beyond the scope of the funds available. The City needed to fix what it had and while rebuilding it, do the 5th lane. He said the pedestrian and bike path issues would be looked at and there would be major challenges by

Terrace Road. He said it was called Terrace Road for a reason and there was not a lot of additional right-of-way to build on. He said staff needed to look south of Bob Billings Parkway and 15th Street because some of the areas overlaid this year, the base was failing below and that needed to be addressed.

Soules said he was not advocating making the huge capacity improvements that could be potentially done at 15th and Iowa. He said if the entire intersection was going to be torn out the City Commission needed to know what those cost could be to add that right turn lane and that information needed to be provided.

Mayor Amyx said what was seen on the south side of that intersection was the bubbling up of that new asphalt which indicated something was going on underneath that area. He said if the City did not have the funds, the City Commission wanted to make sure that 5th lane was added and take care of the failing roadway.

Moved by Dever, seconded by Cromwell, to authorize the City Manager to enter into an Engineering Services Agreement with Bartlett & West for surveying services in an amount of \$33,575 for project PW1012, Street Reconstruction and Geometric Improvements for Iowa Street, Yale Road to Bob Billings Parkway. Motion carried unanimously. **(31)**

PUBLIC COMMENT: None.

FUTURE AGENDA ITEMS:

August • Changes to sidewalk dining regulations.

09/07/10 **Consent:**

- Approve extension request for Final Development Plan for Miracon Plaza Planned Commercial Development - Phase 1 [FDP-01-02-07] generally located at the northeast corner of Wakarusa Drive and Clinton Parkway. Submitted by Tim Herndon, Landplan Engineering, for Timothy W. Schmidt of OFF-PISTE, Inc., property owners of record. The approved plan proposes construction of a two-story retail/office/bank building containing approximately 8,000 square feet and associated site improvements. The request proposes extension of the approval for this project for an additional 24 months.

Regular:

- Review of Oread Hotel Block Party right-of-way permit.

10/12/10

Consent:

- Approve Comprehensive Plan Amendment, CPA-4-2-10, to update Chapter 14 – Specific Plans to correct references made to the previous Chapter 13 – Implementation regarding the adoption process for plans. The reference needs to be updated to refer to Chapter 17 – Implementation. This was an oversight when the chapter was renumbered and was identified as a work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.* Adopt on first reading, Ordinance No. 8542, for Comprehensive Plan Amendment (CPA-4-2-10) to Update Chapter 14 – Specific Plans to correct references made to the previous Chapter 13 – Implementation regarding the adoption process for plans. (PC Item 7; approved 10-0 on 6/23/10)
- Approve Comprehensive Plan Amendment, CPA-4-3-10, amending Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved K-10 & Farmer's Turnpike Plan to include the expanded Santa Fe Industrial Area and I-70 and K-10 industrial area identified in the sector plan. This was an identified work item in the annual review of the Comprehensive Plan. Adopt on first reading, Ordinance No. 8562, for Comprehensive Plan Amendment (CPA-4-3-10) amending Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved K-10 & Farmer's Turnpike Plan to include the expanded Santa Fe Industrial Area and I-70 and K-10 industrial area identified in the sector plan. *Initiated by Planning Commission on 4/26/10.* (PC Item 3; approved 8-0 on 7/26/10)

Regular:

- Receive presentation from Westar Energy on the Smart Grid program.

November

- Receive status report on LCS relocation efforts.

TBD

- Receive staff memo regarding possible annexation of Westar Energy Center and adjacent properties. Additionally, staff is working on a memorandum discussing possible annexation of the Miller/Wells acres area.
- Receive Lawrence Human Relations Commission gender identity report. Report
- Consider approval of Comprehensive Plan Amendment CPA-2-1-09 to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan. Consider placement on a future agenda Ordinance No. 8496, for Comprehensive Plan Amendment (CPA-2-1-09) to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan. (PC Item 10; approved 7-0 on 1/27/10)
- Receive status report on activities of the Community Commission on Homelessness.
- Establishment of Overtime Task Force.
- Consider request for a Temporary Use of Public Right-of-Way Permit for the

2011 KC MS 150 from Friday 09/16/11 through Sunday 09/18/11 allowing the closure of Massachusetts Street between North Park Street and South Park Street from Friday at 1:00 p.m. through Sunday at noon, closure of North Park Street from Massachusetts Street to Vermont Street from Saturday at 6:00 a.m. through Sunday at noon, and closure of the Community Building parking lot from Saturday at 6:00 a.m. through Sunday at noon.

ACTION: Approve request for Temporary Use of Public Right-of-Way Permit for the 2011 KC MS 150 and approve donation of police and fire medical services in support of the 2011 KC MS 150, if appropriate.

Moved by Chestnut, seconded by Johnson, to adjourn at 10:52 p.m. Motion carried unanimously.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF AUGUST 24, 2010

1. Bid Date – Comprehensive Rehab, 1616 E Glenn Dr, & 1315 E 21st.
2. Surplus Vehicles – Gov Deals.
3. Local Purchasing Policy – 9 Police Cars to Laird Noller for \$193,227.
4. Engineering Service Agreement – (UT09193CS) General Wastwater Pumping Station Improvements.
5. Ordinance 8557 – 1st Read, contractor licensing regulations Chpt 5 Article 15 & 17.
6. Ordinance 8559 - 2nd Read, yield sign, Melrose Ln at 25th.
7. Ordinance 8558 – 2nd Read, 2010 Standard Traffic Ordinance.
8. Ordinance 8561 – 2nd Read, auto jail fees charged by DG Cnty, 12-105.
9. Special Event (SE-08-24-10) Verizon tower, 1101 Indiana, Sept 2, 11, 20; Oct 23, Nov 6 & 20, football games.
10. State of KS Recovery Zone Bond Notice of Intent to Issue Forms, Berry Plastics & Bowersock Mills.
11. Private Sanitary Sewer Line, 821 Iowa – Cornerstone Architects.
12. Temp Use ROW – Rev It UP Half Marathon, Oct 2, close Louisana, Broken Arrow Park, S to 31st.
13. Temp Use ROW – Parks & Rec Fall Arts & Crafts Festival, close Mass from N Park to S Park.
14. Mortgage Releases – Bales, 1727 W 21st; Boyle, 1211 Laura; & Moore, 2902 W 7th.
15. Temp Use of ROW – 825 Mass temporary mural, remove by Aug 31st.
16. Employee Benefit – American General Life.
17. City Manager's Report.
18. GOB Bid Temp Note - 2010-I, \$7,465,000, Net Interest Rate.
19. GOB Bid Series 2010-B, \$9,070,000, Net Interest Rate.
20. GOB Bid Series 2010-C, 8,445,000, Net Interest Rate
21. Resolution 6904 – GOB Series 2010-I, annual tax & principle & interest.
22. Ordinance 8563 – declare emergency, 1st & 2nd Read, GOB Series 2010-B.

23. Resolution 6905 – GOB Series 2010-B, authorized by Ord 8563.
24. Ordinance 8564 – declare emergency, 1st & 2nd Read, GOB Series 2010-C, KS Dept of Health & Environment.
25. Resolution 6906 – GOB Series 2010-C, authorized by Ord 8504.
26. Ordinance 8566 – 1st Read, CID at 23rd & Ousdahl.
27. Santa Fe acquisition discussion.
28. Ordinance 8560 – 1st Read, Portable Toilets, Chpt 9, Article 10.
29. \$10,000 for additional curb work on Randall Rd., 10th Terrace and 10th Place.
30. Charter Ordinance No. 41 regarding primary election for the office of City Commissioner.
31. Engineering Services Agreement – Iowa, Yale to Bob Billings Pkwy, Bartlett & West for \$33,575. (PW1012)