



# City of Lawrence

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## CITY COMMISSION

**MAYOR**  
MIKE AMYX

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

April 5, 2011

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.

### **A. RECOGNITION/PROCLAMATION/PRESENTATION:**

1. Proclaimed the month of April, 2011 as Parkinson's Disease Awareness Month.
2. Proclaimed the month of April, 2011 as Fair Housing Month.

Vice Mayor Cromwell stated that he had been at a leadership meeting of the Take Charge Challenge today. He said there were areas where we could do better, such as self reporting CFL switches. He said that could be done through the city's website, that it was very easy and Manhattan was doing better than we are in some ways.

### **B. CONSENT AGENDA:**

**It was moved by Chestnut, seconded by Johnson,** to approve the consent agenda as below. Motion carried unanimously.

1. Approved City Commission meeting minutes from 03/15/11.
2. Received minutes from various boards and commissions:



Mental Health Board meeting of 02/22/11  
Planning Commission meeting of 02/23/11  
Mechanical Board of Appeals meeting of 05/27/10

3. Approved claims to 158 vendors in the amount of \$1,159,751.76.

4. Approved licenses as recommended by the City Clerk's Office:

Drinking establishment license to the Hawk, 1240 Ohio; Caterer license to Lawrence Arts Center, 940 New Hampshire; CMB on-premises license to King Buffet, 1601 West 23<sup>rd</sup> St, Suite 104.

5. Approved appointments as recommended by the Mayor:

**Electrical Code Board of Appeals:**

Appointed Mark Herr (360.951.5540) to the at-large position that will expire 03/31/14.

**Historic Resources Commission:**

Appointed Mike Arp (838.4908) to a position that will expire 03/01/14.

**Lawrence Alliance:**

Appointed Laura Canelos, Lydia Dieblot, and Darcie Holthaus to positions that expire 11/30/12.

6. Initiated Text Amendments, TA-3-3-11, to the City of Lawrence Land Development Code, to various sections regarding creation of a new multi-dwelling residential zoning district, RM64.
7. Initiated Text Amendments, TA-3-4-11, to the City of Lawrence Land Development Code, Chapter 20, Article 7, regarding revisions to the district criteria and development standards in the Planned Development Overlay District.
8. Received Annexation request, A-3-1-11, of approximately 69 acres, located on the south side of N 1800 Rd (Farmers Turnpike) and between the extended alignments of E 900 Rd and E 950 Rd. Submitted by Steven C. Rothwell, for multiple property owners. Referred to Planning Commission for recommendation.
9. Received 2010 Annual Report for SUP-12-10-10, Lawrence Community Shelter at 944 Kentucky Street.
10. Authorized acceptance of Federal Aid Safety Funds in the amount of \$1.2 million to widen Iowa Street to provide a two-way left-turn lane, from south of Harvard to south of Terrace Road, and \$150,000 to reconstruct the traffic signal at 9<sup>th</sup> and

Tennessee with a 10% city match (\$16,666.67) to be paid from the Capital Improvement Reserve fund.

11. Authorized the City Manager to enter into an agreement with CitePayUSA for online, phone, and in-house credit card payments for fines and fees for the Municipal Court.
12. Approved Temporary Use of Public Right-of-Way Permits for the Downtown Lawrence Farmers' Market use of city Parking Lot #8 (800 block of New Hampshire) on Saturdays from 04/09/11-11/19/11 from 5:00 a.m. – noon, and use of city Parking Lot #10 (1000 block of Vermont) on Tuesdays from 05/03/11-10/25/11 from 3:00 p.m. – 6:00 p.m.
13. Approved as signs of community interest, a request from Christina Pyle to place signs at Bob Billings Parkway and Westbrook Drive for the annual Hawk Mudfest Volleyball Tournament. The signs will be placed on Friday, April 29 and removed Saturday, April 30, 2011.
14. Approved as signs of community interest a request from Eastlake Community Church to place temporary signs in various public rights-of-way from 04/06/11 through 04/24/11 advertising their Free Love Lawrence community event.

**C. CITY MANAGER'S REPORT:**

David Corliss, City Manager, presented the City Manager's Report.

**D. REGULAR AGENDA ITEMS:**

1. Consider the following items related to a Neighborhood Revitalization Area Plan for 1040 Vermont Street.
  - a) Consider adopting Resolution No. 6921, adopting a policy for Neighborhood Revitalization Areas in the City of Lawrence.
  - b) Conduct a public hearing regarding a request from Treanor Architects to establish a Neighborhood Revitalization Area at 1040 Vermont for the purpose of the relocation of the Treanor Architects headquarters facility.
  - c) Consider request for long term parking passes and to designate parking lot #10 (1000 block of Vermont) as a long term parking lot.

Mayor Amyx said that a public hearing would be conducted regarding this item, but that a decision may have to wait until a later date.

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

Amyx asked about the performance agreement. If a business made a request for an improvement and then during the time of the rebate the business could not continue, he understood that the rebate would be gone and 100% of the tax would be collected.

Stoddard said there may be a reason to come back before the commission at that point. She said if there was a change in ownership or use that was not congruent with the proposal that is in the plan, staff would bring it back before the Commission.

Amyx said the taxes being collected today would always be collected, and the increment would only be the increased amount over that base.

Stoddard said yes, and the plan included a calculation incorporated into the documents.

Mayor Amyx opened the public hearing.

Bill Fleming, Treanor Architects, said he was mainly here to answer questions and that Diane Stoddard had taken a lot of initiative and he wanted to say thanks for that.

Chris Cunningham presented an image of the project and explained it. He said the back half of the project was the existing building and the front half was the new addition. The square footage was about 17,000 or 18,000 square feet.

Amyx asked how many individuals would be housed there.

Cunningham said it could house around 55 employees.

Fleming said there would be around an extra 5,000 square feet that would allow room to grow up to 70 or 80 employees.

Amyx asked if there was additional vacant land on this site.

Fleming said there was a small parking area on the property to the north.

Cunningham showed the site plan and said an access drive to the alley as well as 8 parking stalls would be the north of the building.

Jim Mullins said he wanted to speak to the ordinance itself. He said in section 2 there was an error. He also said he was concerned that the ordinance was not in compliance with Kansas statutes. He said the governing body must find that one or more of the conditions exist, and the redevelopment was necessary to protect the health, safety and welfare of the residents of the community. He said that should be included. He said Section 5 allowed the commission not to follow the policy but did not set forth a procedure. He said there should be a sunset clause in the ordinance. He said these items should be corrected before the ordinance is adopted.

Jim Mullins said regarding the building at 1040 Vermont, he was concerned in making this a NRA project as a “necessary” project to protect the health, safety and welfare of the residents of the community. He said the statutes were intended to clean up a blighted area, not to give a tax break to a business. He said the state of Kansas had already paid Treanor Architects \$8 million and \$5.3 million dollars in tax payer dollars in recent years.

Tom Kern, Lawrence Chamber of Commerce, said he supported the project. He believed the area was blighted. The building had been vacant for a number of years. The project will provide 50-70 jobs downtown and significant spin off economic activity downtown. He also said he wanted to thank Commissioners Dever, Chestnut and Johnson for their service to the community.

It was **moved by Chestnut, seconded by Dever**, to close the public hearing. Motion carried unanimously.

Cromwell said he would like to hear a staff response to the questions regarding the policy and compliance with state law.

Stoddard said she thought additions could be made along the lines of what Mr. Mullins suggested. She also said in the ordinance the necessary findings were made, but they could be added to the policy.

Amyx said they had that discussion at PIRC.

Amyx asked if we found out why the land and improvements on the land were separated in the statutes.

Stoddard said no, but that the way we were doing it was the right way.

Cromwell said that Mr. Mullins pointed out that there was a sunset provision in the Atchison policy. He said that was discussed also and it may make sense to revisit that and factor it in.

Amyx said at PIRC it was discussed having a threshold for how large a project had to be to consider a NRA. He said businesses weren't going to come in just for paint and new carpet. He said regarding the question of whether the city would offer the same breaks to Capitol Federal or D&D Tire, the rebate was on the increment of increased taxes and they could request the same thing and be considered under the policy.

Mullins said that the state statutes were made for blighted neighborhoods and it has to be necessary for the public health, safety and welfare, and he didn't think that was the case with this building.

Amyx said the base of the tax would be paid no matter what, only the increased increment was subject to rebate.

Dever said regarding protecting the public health and safety, you had to look at the benefits that came from consolidated location for a business, including decreased traffic and air pollution which impacted health, less likelihood for vehicle crashes due to the single location which impacted safety, a consolidation of people downtown which increased the safety of downtown. Those 50 people wouldn't have to get in the cars to drive to lunch, and the consolidation would thus affect health and safety. Also a vacant building encourages vandalism and getting people in that building would increase safety. There would be more people in the area, less traffic, air pollution and wear on roads and those things all were health and safety issues.

Cromwell said there was a dilapidated building here that would be improved. He said he thought it met the criteria. This was a tool designed for blighted neighborhoods and it may be able to be used in other areas of Lawrence in the future.

Chestnut said he thought the analysis was valid. There was a base of property taxes paid regardless. He said to be literal the statutes said "health, safety, or welfare" not "and". He said this project was squarely in the sweet spot of what NRA was intended, for historically significant reasons also. He said regarding the other businesses in the area if they wanted to make improvements and request this type of rebate he would certainly consider it. He said it was important to focus on projects that create density even if the jobs weren't accretive at the start. It was more cost effective to focus redevelopment in the core of Lawrence which was also why CID projects could be important. This maximizes the infrastructure and other investments the city has made.

He said he thought it was a great proposal and in the intent of what the NRA was created for.

Johnson said Stoddard and other staff had done a great job with this and also appreciated PIRC's review. He said this was being proactive instead of reactive. He asked how long do you wait before declaring a building blighted. This was a great way of keeping ahead of more serious blight problems. He said getting people to work downtown was a great way to help downtown. Getting people to live and work downtown leads to more people shopping and eating there. Bottom line was that if the building was vacant we were still paying for the city services in the area so encouraging redevelopment was the right thing to do to be proactive.

Amyx said the questions raised by Mullins were good and asked whether the commission wanted to add the items he suggested including the sunset provision. He asked whether that was something that should be taken up by PIRC.

Chestnut said that this policy would be reviewed sooner than a sunset provision would take effect anyway, so it didn't seem necessary. He said with or without the sunset provision it would get reviewed.

Cromwell said he would be comfortable with a review made after the first twelve months.

Chestnut said a sunset clause would mean that the policy automatically expired unless renewed. It may create unnecessary work load for staff. He said review was appropriate, but not sunset.

Amyx said language could be added to say that PIRC would review the policy on an annual basis with a recommendation made to the City Commission. Amyx asked

whether the Commissioners wanted to see the changes written out and put on next week's consent agenda.

Mayor Amyx said that adoption of Resolution No. 6921, adopting a policy for Neighborhood Revitalization Areas in the City of Lawrence, would be deferred to next week's consent agenda to allow staff to make the recommended amendments discussed by the commission.

Chestnut said the financial analysis was driving the adoption of the 1040 Vermont NRA.

Dever asked whether the reduction in the number of jobs affected the PIRC analysis.

Cromwell asked whether the change in the portion going to the county changed the benefit cost analysis. He said he knew it wasn't an enormous amount but wanted the correct numbers to be in the analysis.

Stoddard said the fees going to the county were not included in the original analysis anyway. She said she wanted to introduce Corey Mohn, who had been looking closely at the numbers and he could speak to the impact of the employee numbers.

Mohn said he looked over Roger's analysis and the weight is much more heavy on the value of the property than the job numbers. He ran the numbers again looking strictly at the property and not considering the job numbers and the ratio was not dramatically different, 1.89, which still exceeded the policy.

**It was moved by Chestnut, seconded by Dever,** to adopt the 1040 Vermont Neighborhood Revitalization Area Plan; to adopt on first reading, Ordinance No. 8625, establishing a Neighborhood Revitalization Area at 1040 Vermont; to authorize the City

Manager to execute an agreement with Douglas County and USD 497 concerning administration of the Neighborhood Revitalization Area; and to authorize the City Manager to execute a performance agreement with Treanor Architects. Motion carried unanimously.

David Corliss presented the staff report regarding the parking request.

Amyx said he appreciated Corliss looking into the benefit districts. He said the only concern he had was the 600 passes we sold on an annual basis, and whether we were going to take them into consideration regarding the requested guaranteed long term price.

Chestnut asked how many ten hour spaces we had downtown. He said he thought the idea of converting the lot and the 10 hour passes seemed to make sense, but knowing the number of 10 hour spaces downtown was an important thing to know.

Mayor Amyx called for public comment.

Bill Treanor said the lot was underutilized, which was the reason for the request.

KT Walsh said she thought there was a city brochure that showed the parking lots and number of spaces.

Amyx suggested deferring the item for 2 weeks to get more information on the number of spaces.

**It was moved by Chestnut, seconded by Dever,** to defer consideration of the parking request for two weeks. Motion carried unanimously.

**E. PUBLIC COMMENT:**

None.

**F. FUTURE AGENDA ITEMS:**

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

**G. COMMISSION ITEMS:**

None.

**H. CALENDAR:**

David Corliss, City Manager, outlined calendar items.

**I. CURRENT VACANCIES – BOARDS/COMMISSIONS:**

Existing and upcoming vacancies on City of Lawrence Boards and Commissions were listed on the agenda.

**It was moved by Chestnut, seconded by Johnson,** to adjourn at 8:09 p.m. Motion carried unanimously.

**APPROVED:**

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Mike Amyx, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk