



# City of Lawrence

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## CITY COMMISSION

**MAYOR**  
ARON E. CROMWELL

**COMMISSIONERS**  
ROBERT J. SCHUMM  
MICHAEL DEVER  
HUGH CARTER  
MIKE AMYX

January 10, 2012

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 Cromwell presiding and members Amyx, Carter, Dever and Schumm present.

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

1. Proclaimed the week of January 9 – 16 as Dr. Martin Luther King Jr. Week.

### **B. CONSENT AGENDA**

Commissioner Carter requested that consent agenda item number 6, agreements with Community Wireless Communications, be pulled from the consent agenda for separate discussion.

**It was moved by Schumm, seconded by, Amyx, to approve the consent agenda as below, with the exception of item number 6. Motion carried unanimously.**

1. Approved claims to 76 vendors in the amount of \$690,972.02.
2. Approved the Drinking Establishment License for Oread Inn, 1200 Oread Avenue; the Sidewalk Dining License for Tellers, 746 Massachusetts; and the Cereal Malt Beverage Licenses for Eastside Tavern, 1528 West 23<sup>rd</sup>; Fastlane, 1414 West 6<sup>th</sup> Street; Presto Convenience, 602 West 9<sup>th</sup>; Sam's Food Mart, 1900 Haskell Avenue, Shop N Go, 1000 West 23<sup>rd</sup> Street, and, Wheat State Pizza, 711 West 23<sup>rd</sup> Ste: 19, as recommended by the City Clerk's Office.
3. Approved appointment of Kyle Windisch to the Electrical Board of Appeals to a term which will expire March 31, 2014; Connie Hsu to the Lawrence Alliance to a term which will expire November 30, 2013; reappointment of Michael Kennedy and appointment of Stacey Van Houten, Ted Juneau, Ion Unruh to terms which will expire December 31, 201 and appointment of Sue Hack, Billy Williams, Mat Hoy and Michelle Jennings to



terms which will expire December 31, 2014, all to the Sister Cities Advisory Board as recommended by the Mayor.

4. Bid and purchase items:

- a) Set a bid opening date of January 24, 2012, for hourly rate for individual contractual repairs, maintenance services and tree trimming (emergency/non emergency).
  - b) Authorized renewal of the ESRI Enterprise License Agreement (for GIS software) for the period of January 22, 2012 – January 21, 2013, in the amount of \$50,000.
  - c) Authorized the City Manager to execute a contract renewal with Marsh McBirney – Hach, for the period of January 2012 through December 2012, for data delivery services associated with the wastewater collection system's long-term flow and rainfall monitoring program, for \$52,800.
5. Adopted on second and final reading, Ordinance No. 8690/County Resolution No. \_\_\_\_\_, for Text Amendments (TA-3-3-10) to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise process requirements for division of property through Certificates of Survey, Minor Subdivisions and Major Subdivisions.
6. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Authorized the Mayor to execute a Lease and License Agreement and a Lease Agreement with Community Wireless Communications (CWC) granting access to certain City owned facilities, rights of way and a portion of fiber optics installed within the City in exchange for a \$30,000 contribution from CWC to the fiber project and a 5% fee on gross revenues.
7. Authorized staff to negotiate a fiber sharing agreement between the City of Lawrence and Douglas County, for future City Commission consideration.

Regarding consent agenda item number 6, agreements with Community Wireless Communications, Carter asked for a summary of the item from staff.

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

Carter asked for clarification on the second agreement, if we looked at other communities regarding the values of this asset. He asked if we found anything comparable to verify that this was the correct amount.

Stoddard said we weren't able to find any very comparable arrangements.

Jim Wisdom said no other comparable arrangements were found in other governmental entities. We do have agreements where the city leases from private vendors. We pay \$1500 a month to lease fiber. Some other services provide dark fiber or managed fiber, which runs about \$3000/mo.

Carter said there is room in the conduit that is still available to do agreements with others.

Wisdom said that was correct.

Amyx said there was a lot of discussion during the March meeting that an exclusive right did not exist and there is room to accommodate other customers. The only question was whether we could put a value on the fiber, and that seemed to be whatever the market could bear. The question now is whether we have the best value for the city and can we use this as a template for other companies to come in.

Cromwell said staff's interpretation of the document was that it did meet Amyx's statements.

Stoddard said yes, it was non-exclusive and other companies could come in. We could look further at the price if the commission so desires. The factors that Amyx mentioned were covered.

Carter said his only concern was finding that market number. We are hoping that the benefit to the city and economy is that Farmland and other areas could benefit from the highest internet speeds in the region.

Stoddard said the number came from a number offered by Mr. Montgomery, which was based on the city's costs for a grant match.

Carter said we would learn about the market value as we found out how successful this was.

Dever said it was important to remember that we started this discussion in May and no one else has come forward with a higher offer for the fiber strands. We are setting the market cost initially. The lease term is longer here than the other agreement.

Stoddard said both generally allowed for 25 years. She said license and lease agreements provided for 5 year renewal terms, and the lease agreement was for 25 years.

Dever said we had plenty of excess fiber and we could later come up with an appropriate price. Often the first person in takes the most risk.

Cromwell said this was positive and didn't necessarily establish future value of the fiber.

Amyx asked if there was any reason to divide the second agreement into 5 year renewal periods to give an opportunity to discuss again sooner.

Stoddard said it could be done but we haven't discussed that with Montgomery. The commission had discussed having a term long enough for Montgomery to recoup his initial investment but didn't lock us in too long. If for some reason if we felt there was a need to discuss the terms and prices we could approach reopening it if the commission wanted to put in such terms.

Dever said the difference was that one agreement had a lot of up front costs with underground infrastructure, and the other dealt with above ground services that might be more intrusive and need more attention. He said he was comfortable with the longer term agreement for the underground portion. For him, it seemed like a deal for giving cash up front versus 5% of revenues ongoing.

Amyx said if there was some reason the commission wanted to look at the terms again it might be valuable to be able to do that sooner than 25 years.

Joshua Montgomery said he executed an agreement with NextG, in which they paid \$11,000 up front for 9 miles of fiber. Initially he wanted to purchase the fiber in order to leverage the cost to put the infrastructure in place. The 25 year term was as close to purchasing as the commission had seemed ready to approve.

Schumm said this line would wrap around the perimeter of the town. He asked if there will there be an ability to hook up downtown.

Montgomery said there may be opportunities for horse trading down the line. The city had fiber on Rhode Island that might allow us to offer connectivity downtown and allows the city to hook up more into the ITS system if we pulled the fiber. There were opportunities to hook up apartment complexes and also serve city needs.

Mayor Cromwell called for public comment.

Rod Kutemeier, General Manager at Knology, said he had concerns with the granting of access to city owned infrastructures. Knology was born to provide choice to customers, similar to CWC. They did have concerns today about the agreement with the fiber optic cables being offered without the significant investment that Knology had to make years ago.

Carter said he was excited about the agreement and the potential benefits. He said staff had tried to value the fiber and there was room for more in the future. Speaking to Kutemeier's concern, we were already digging and there was room, and there was opportunity for the benefit of the community. We were not trying to benefit any particular company. It was a timing issue and it was unfortunate that it didn't offer something that Knology needed at this time.

Cromwell said the conduit had been placed previously before there was a need, and now there was a use for it that exemplifies forward thinking city management. It is an excellent example that he hoped we could mirror with other road projects. This is really important to the community and he hoped we could continue with this kind of forward thinking in the future.

**It was moved by Carter, seconded by Dever,** to authorize the Mayor to execute a Lease and License Agreement and a Lease Agreement with Community Wireless Communications (CWC) granting access to certain City owned facilities, rights of way and a portion of fiber optics installed within the City in exchange for a \$30,000 contribution from CWC to the fiber project and a 5% fee on gross revenues. Motion carried unanimously.

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

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

**D. REGULAR AGENDA ITEMS:**

**1. Considered the following items related to occupancy limits:**

- a) **Consider approving Text Amendment, TA-10-15-11, to the City of Lawrence Land Development Code, multiple articles, defining occupancy and clarifying the applicability of occupancy limits in non-RS districts and consider adopting on first reading, Ordinance No. 8689, approving Text Amendments (TA-10-15-11) to the City of Lawrence Land Development Code, multiple articles, defining occupancy and clarifying the applicability of occupancy limits in non-RS districts. (PC Item 4; approved 9-0 on 12/12/11)**
- b) **Consider adopting on first reading, Ordinance No. 8692, which, if enacted, would replace Chapter 6, Article 13 of the City Code, regulating the rental of dwellings in RS Zoning Districts**

Scott McCullough, Director of Planning and Development Services, presented the staff report.

Carter asked about the "specific property" provision and if that meant the owner had multiple properties or something else.

McCullough said it could also apply to a new owner of the same structure. The property has to be in good standing.

Carter asked about the situation if a new owner came in and there was nothing wrong with the property other than the behavior of the old owner.

McCullough said one of the loopholes that was concerning was buying yourself out of the problem by changing LLCs or something. It also could give the neighborhood a break from the problem.

Carter said the concern was the unintended consequence. He didn't want to discourage a problem owner to sell. He understood the concern about the loophole but didn't know how you got around the unintended consequence. We want a good responsible owner to be able to come in and take over.

Cromwell asked if there was a provision for appeal or review to the Commission.

McCullough said yes, appeal to the city commission.

Carter said staff could also review the circumstances of the new owner.

McCullough said we could amend the ordinance to make that possible.

Cromwell said he could envision a four bedroom house between traded back and forth between a series of landlords. A provision allowing review at staff level and appeal to City Commission could be a good idea.

Schumm asked if we would not have the ability if there was a sale to allow the structure to stay on probation for an amount of time to make sure it is being properly managed.

McCullough said the code as presented tonight was pretty clear cut, but the comments made tonight indicate that we need to allow more flexibility.

Amyx said another issue was who could live in the home after a license was revoked. If no one could live in a property the house could decay and present other problems.

McCullough said that could be another unintended consequence.

McCullough continued the staff presentation.

Cromwell asked for an explanation of the exemption of Section 8 housing.

McCullough said they were separately inspected.

Amyx said McCullough had talked about the 140 properties that would need to be licensed and asked what they were.

McCullough said they were legal nonconforming. We could require them to be licensed and inspected.

Brian Jimenez said the primary areas where they were found were Pinckney, Old West Lawrence, and East Lawrence. 140 was an estimate based on info we could pull out from water billing info.

Amyx asked if they had been problem properties in the past.

Jimenez said he didn't have that info, but it made sense to include everything in single family zones. It eliminates the troublesome definitions that caused confusion. Overall it expands the scope of the registration but minimally.

Carter asked if he had the resources to do the additional inspections.

Jimenez said yes.

Carter said even the processing of the applications.

Jimenez said yes. The more time consuming part was the administration that you didn't really see. We would have to work through that and figure it out.

Schumm asked approximately how many living units in RS zones are problematic as far as being over occupied.

Jimenez said 75% of over occupancy took place in RS. Since October we have had about 10 occupancy violations. He said he didn't have a number of how many of the registered units were problematic.

Mayor Cromwell called for public comment.

Carol Bowen asked why we would assume that someone with investment property in single family zones should be able to buy more investment property in single family zone. Banks had been some of the worst owners. She would prefer that they just revert to single family.

Deborah Snyder said as far as calming concerns of property owners, in her neighborhood, Centennial, out of state parents would look at properties for sale as investments during the time their child is going to be a student. The potential buyer would be made aware of existing violations as part of the sale. If push came to shove the city could take a lien on the property because of the violations. That happened in other cities. The questions regarding a new owner coming into the situation, she said she didn't see anything about the landowner appealing to the Commission, hopefully not staff, and she asked where do the neighbors get notification that there is going to be consideration of an appeal. Not knowing what is going on



with a property makes the owner-occupant neighbors feel like the outsiders. She said she wanted to know where adjoining property owners came into the process.

McCullough said there are two things going on. The first is revocation by staff which can be appealed to the Commission. He didn't know if there was a notice provision regarding that hearing. If a license is not granted in the first place there is not an appeal provision.

Randy Larkin, Senior Assistant City Attorney, said there was no notice provision in the ordinance at this time.

Schumm said that he understood that there should be occasions that the appeal comes before this body and is denied, that they can appeal to the district court.

Larkin said yes.

Snyder said in a situation with a new landlord came in and didn't know the history that there were previous convictions, so they appealed the denial of the license. Is there a process, other than finding, that allows a property owner to skirt number 4? She said an example was a property on West 19<sup>th</sup> Terrace where there are two properties owned by a gentlemen that has moved to South Africa. The property has changed hands and the new property owner has also had violations. The sale of the property to a new landlord doesn't negate the ill use of the property.

Larkin said there would still be no notice in that circumstance. Staff would deny the license and the applicant could appeal to the Commission and the Commission would decide if the property was eligible.

Schumm said he understood that it was automatic that if a property was in violation it wasn't eligible for two years.

Larkin said staff would have no discretion to approve it. The applicant could then appeal to the Commission.

Candice Davis said there was some confusion. Number 4 made perfect sense in single family neighborhoods. It seemed like it may be trickier in multifamily districts. If a house remains

empty the price needs to be lowered to match the market. She said we need accountability in multifamily neighborhoods also and hoped we could eventually get to that.

Gwen Klingenberg said LAN supported rental registration. If it comes before the city it goes on an agenda and the public is notified. She said she assumed notification would be made.

Beth Rieber said these regulations would be only in single family neighborhoods and not everywhere and asked why it wouldn't be limited.

McCullough said these were revisions to the existing program which only applied to RS.

Cromwell said that may be a topic in the future that may come back.

Dan Dannenberg said he would support any increase or more strict rental registration throughout the city regardless of whether it is single or multi family. In his neighborhood is a house owned by a couple in Topeka and their son live in the house. It is slowly deteriorating to a slum. In their neighborhood there had been a two unit duplex that had in essence been abandoned. It deteriorated over the years. The owner didn't care. He had the price too high for anyone to consider it. Finally it did get sold and has been rehabbed. His last point was that he toured the Oread Neighborhood last weekend and he was utterly appalled by what he saw there. This is supposed to be a progressive modern city and we allow that situation to exist? In one property he saw that the doors were open and it was full of junk. He called the police and the officer said it was a flop house. There was a strong odor of petroleum in the house when he stuck his nose in. Properties need to be maintained in a manner that was safe and livable. The city had decided at some point not to have strong code enforcement to keep neighborhoods livable. He said he admitted that he had not read the proposed ordinance but we needed something to protect existing single family residences.

Melinda Henderson said she had lived in Oread Neighborhood for several years and wanted to support the comments that it would be great to get to the point of having rental

registration applied to more than just single family zoned neighborhoods. She had seen the problems that could occur. It was something that could be really valuable for the city to invest in.

Joe Patterson said he had been a landlord for many years. He used to have a home that he rented to four students. He had never had a complaint filed against him. Today he could not rent that property to more than 3 people. The rental he had today in Old West Lawrence, anyone over three non-related could not live there. He said he had four people living there and no complaint was ever filed. If they moved out and he rented it to a family of six all related that caused problems, they are still okay. You are punishing single family residences. We had been too lax on taking care of complaints when they are filed and then we come to a situation where it is panic time. We need to look at everyone, and punish the person creating the havoc rather than the person owning the house, and we wouldn't have the problems we have today. He said he was choosy about who he rents to and he doesn't have problems. Regarding the other speaker's example of an out of town slumlord, the city had known about it for years and hadn't done anything about it.

Ted Boyle said North Lawrence Improvement Association supported the rental registration and inspections. They had occurrences in North Lawrence with problems that had been taken care of by code enforcement but there were others that had problems. They supported the registration to protect quality of life and keep neighborhoods intact.

KT Walsh said ELNA was supportive of the regulations. The program could pay for itself with increased fees.

Arley Allen said he wanted to congratulate staff and the commission on these regulations. He said he and his neighborhood appreciated it. Two things particularly would help. A registered representative for out of town owners would be very helpful. Secondly, in his neighborhood they had seen families from out of town buy properties and install their child, then pay for the investment by renting out to other people. Rather than turning neighborhood homes into business interests, they would rather have them remain single family home uses. That is

the goal they have, rather than having the neighborhoods become rental business areas. The future will suggest that these regulations should expand into multi family areas as well.

Cromwell said we would tackle expansion of the rental registration program at a different time. It was definitely something to tackle. The university was in support of it. Regarding neighbors having to come down here, he hoped they wouldn't have to. They shouldn't have to. We should be able to take care of blight automatically. We should be able to tackle issues of over occupancy automatically also. We are talking about protection of our homes in the city. Whether they are owned or rented, don't forget that there are a lot of landlords that maintain their property and take care of it. We have got to keep our eye on the ball in code enforcement.

Schumm said going back to the issue of a person who has had a license revoked and the option to sell the property, he was happy the way it was as long as there was an appeal process. If someone could come in and demonstrate that they are responsible and the old owner is no longer connected to the property, he could see granting the appeal. He was happy with the way it was written.

Carter said the unintended consequences were remote possibilities. The appeal was good to have. If that scenario comes up, the new owner probably wants to know before the purchase if they can rent it.

Schumm said he didn't want to make it too easy on violators.

Carter said he just wanted to make sure it was easy on good new owners.

Schumm said a speaker said not to penalize a single family dwelling. You penalize the neighbors when you allow that to happen. If a rental can be accommodated within the 3 person limit that is fine, but escalation is a problem. Those zones are intended for single families. If we allow our neighborhoods to fall into shambles it doesn't speak well for our city.

Dever said the pros outweigh the cons. The unintended consequence revolves around the limbo of not knowing if a property can be rented, and then a property sits vacant and the

neighbors are further infringed on. He thought the positives outweighed that potential though. This was something that was important and adds some weight to our rules.

Amyx said he assumed it was the responsibility of anyone who has violations that they would have to disclose to potential owners that there was a history of violation.

Jimenez said the code requires the current owner to notify the potential owner that there are violations. He said regarding the unintended consequence, he hoped revocations were minimal and they could be flagged and recognized easily.

Carter said in a previous job he was a single family renting in a single family neighborhood. Renting wasn't necessarily to a bunch of students.

Jimenez said he had seen the problems of vacant properties due to foreclosure. He understood that potential negative effect.

Amyx thanked the mayor for pointing out the great work done by many landlords. They do a lot of great work and pay a lot of taxes, as do a lot of people who invest in their own homes. We do have some from time to time that we have to take an action against. In the economic times that we live, a number of changes had been forced. We all know that people have lost homes and there is a redemption period when someone doesn't have access to a property. That doesn't make neighborhoods stronger but it happens. He is pleased that tenants have a responsibility just as much as the landlord. There are times when someone rents a property to the right number of people and then tenants bring in more. He said he would look farther into the non-RS zone issue. He appreciated the efforts to look at non-conforming properties. One of the things we have is that we are going through a time when a lot of properties are held as rental units. For whatever reason that we have that, we have to recognize that it is something we have in this community. We still have a chance to make changes for second reading but he was supportive of the proposed changes.

**Moved by Amyx, seconded by Schumm,** to approve the Text Amendment (TA-10-15-11); and adopt on first reading, Ordinance No. 8689, approving Text Amendments

(TA-10-15-11) to the City of Lawrence Land Development Code, multiple articles, defining occupancy and clarifying the applicability of occupancy limits in non-RS districts; and, to adopt on first reading Ordinance No. 8692, replacing Chapter 6, Article 13 of the City Code, regulating the rental of dwellings in RS Zoning Districts. Motion carried unanimously.

2. **Consider approving text amendments, TA-8-12-11, to various sections of the City of Lawrence Land Development Code, Chapter 20, regarding revisions to the district criteria and development standards for development adjacent to R (Residential) Districts, clarify other density and dimensional standards, Section 20-1701 to clarify or add terms used in the density and dimensional standards table, and Sections 20-211 and 20-212 to make consistent with potential changes in Article 6, and adopt on first reading, Ordinance No. 8682, approving text amendments, TA-8-12-11, to various sections of the City of Lawrence Land Development Code, Chapter 20, regarding revisions to the district criteria and development standards for development adjacent to R (Residential) Districts, clarify other density and dimensional standards, Section 20-1701 to clarify or add terms used in the density and dimensional standards table, and Sections 20-211 and 20-212 to make consistent with potential changes in Article 6.**

Scott McCullough, Planning and Development Services Director, presented the staff report.

Mayor Cromwell called for public comment.

Gwen Klingenberg displayed a drawing. She said she had been working with staff and thought some type of compromise could be worked out on this item, but started looking at this item from the applicant's point of view. She the applicant's flexibility would be taken away. If having a 25 foot setback, the applicant would be forced to build taller buildings and 25 feet was barely enough room for a single parking and a single drive. She gave an instance of the 6<sup>th</sup> and Stoneridge and the Eisenhower Apartment Complexes which ended up with small fourplexes the size of single family homes along the lot line that was the property line with the neighborhood. This could not be done with this text amendment because the building would need to be set back too far and a variety of things would not be able to be built. Canyon Court was a neighborhood she had visited twice and on Joseph Street there was an apartment complex was 3 stories tall, but they received a variance and were even closer. She said the

neighborhood had to put in fencing and extra shrubbery at their own expense and then they sold the property or used it for rental property. The issue of rental or single-family properties being various heights was not going to happen, what normally happened on the outskirts was similar type housing. She said she thought she had been misunderstood by the Planning Commission. She said if Chapter 20 Article 602(h)(2) which was mandatory, but if it was removed and go to Chapter 11 which allowed possible changes done by the Planning or City Commission, what would be found was more neighborhoods fighting more apartment complexes because both the apartment complex and neighbors had their rights. It was part of the Planning Commission's duties to make sure the applicant knew where everything in Chapter 20 was.

Carol Bowen said we have a tendency to overthink what infill is. It doesn't mean we have to fill in any square inch. In her neighborhood when Checkers was built that was the beginning of stormwater retention regulations and they were required to regulate the stormwater for 10 years. She said there were many successful efforts of the neighborhood with developers and owners of the businesses in their area. She said transitions were needed because the ordinances were not effective. She was frustrated by the text and red marks. She realized her real frustrations came from reading the letters and they were not all text edits, but content change. The content that was being considered was a major issue in 2006. There were a lot of people that spent a lot of time studying setbacks. She said she thought the text edits should be separated from content changes. The content changes should have a more comprehensive review because this was not something to be taken lightly. She said referring to Horizon 2020 was not very comforting because the City did not follow that plan.

Melinda Henderson said she came across this recently and wanted to make a few comments. She appreciated Carol's comments about being frustrated trying to review everything. She said she did not represent the League of Women voters tonight, but in their letters they were specific about text not to remove. She agreed with that conclusion. She liked that the tables had been updated, but removing the text removed any mandatory protection that

exists. If we are going to be revising that let's look closer at what we are losing. It wasn't clear to her reading through the material why it was necessary to remove the text at all. Getting an answer to that tonight would be very helpful. She said she would urge the commissioners to take a good look at what staff was asking them to remove.

Candice Davis said it was very confusing to her. The important point was transitions. What she saw was the example of a building and the compromised set back. It looked too close. It was important to have transitional size buildings. You need to protect single family neighborhoods with the size of these buildings.

Hank Booth, Lawrence Chamber of Commerce, said his simple request was that there were a number of people who would like to take a look at this and he would ask if this was something that could be reviewed again at a later date so more people could comment. He had spoken to Paul Werner about this, and there have been more questions raised. He was simply asking for a little more time to review this and consider the goals we were trying to accomplish. He appreciated the comments about infill vs. overfill. He wondered if there were any lots that would be made useless due to these regulations.

Amxy asked what happens if the commission does nothing with this at this time.

McCullough said they would still want to do some things with the cleanup. If we do nothing we would review developments under the current regulations.

Carter said even the overview of the amendment wasn't in layman's terms. It was pretty tough to know what we were doing. Once you start to figure it out, even the Planning Commission said everything wasn't quite right but it was better than what we had. That might be an indication that we could make some improvements. The question of transitions was important. He didn't see any urgency to adopting this tonight. If we said it had to be back 25 feet or the height of the building, maybe we could say it had to be set back the difference. That was probably enough. He said he didn't feel comfortable with it as it is, and he had tried.



Cromwell said it was very complex. There are parts that are cut and dry, cleaning up the language. Maybe we could move forward with those but he didn't know if we could separate them out.

McCullough said it was not urgent, he would prefer not separating them out, but bringing something back.

Amyx said he imagined that when this was denied last year and initiated to the planning commission, that was probably where this all came from initially.

Dever said he would like to see from staff a list of all substantive changes clearly broken out, and a list of administrative changes. If we need details on the substantive changes we can ask for them. He said he agreed that there was some confusion and we needed to clarify. He said it was presented well in the presentation, but would like to see the information broken out.

Cromwell said there was a little more work that needed to do with the community also. It was clear that people hadn't been able to wrap their heads around it.

Dever said breaking out the substance would allow us to ask the questions we needed to ask and be comfortable that we understood and could get the changes we needed.

Cromwell asked if staff could do that.

McCullough said he understood that the commission wanted the substantive issues highlighted but not necessarily divorced into two text amendments.

Dever said highlighting the changes and referencing back to the actual ordinance.

Carter said he noticed that there was a note that the 2006 changes were challenging. He wondered what we were doing to alleviate that. He asked what were we doing and why and to help him understand that and the unintended consequences.

Amyx said by leaving in the language in 602, he asked what effect that had on the overall text. That was what he needed to understand.

McCullough said what we heard from the public is that we need to have time to review everything, including the items that there was consensus on.

Cromwell said we wanted to minimize misunderstanding and unintended consequences. He asked if there was other direction needed.

McCullough said no, he understood and appreciated the direction. He thought indefinite deferral would be helpful.

**Moved by Carter, seconded by Dever,** to DEFER INDEFINITELY consideration of Text Amendments (TA-8-12-11) and Ordinance No. 8682. Motion carried unanimously.

3. **Consider motion to recess into executive session for approximately 45 minutes for the purpose of consultation with attorneys for the city which would be deemed privileged in the attorney-client relationship. The justification for the executive session is to keep attorney-client matters confidential. The regular meeting of the City Commission will resume in the commission meeting room at the conclusion of the executive session.**

**It was moved by Schumm, seconded by Dever,** to recess into executive session for the purpose of consultation with attorneys for the city which would be deemed privileged in the attorney-client relationship for approximately 45 minutes, at 9:07 p.m. The justification for the executive session was to keep attorney-client negotiation matters confidential at this time. Motion carried unanimously.

The City Commission resumed the regular session at 9:46 p.m. No action was taken following the executive session.

**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, reviewed calendar items.

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

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

**Moved by Schumm, seconded by Amyx,** to adjourn at 9:48 p.m. Motion carried unanimously.

**APPROVED:**

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Aron E. Cromwell, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk