



City of Lawrence

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CITY COMMISSION

MAYOR
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

May 1, 2012

The Board of Commissioners of the City of Lawrence met in study session at 4:00 p.m., in the City Commission Chambers in City Hall with Mayor Schumm presiding and members Amyx, Carter, Cromwell and Dever present.

A. STUDY SESSION (4:00 – 6:00):

1. City Commission Study Session regarding the Police Department Facility Needs Assessment and 2013 Budget Issues.

After a short break, the regularly scheduled City Commission Meeting began at 6:35 p.m.

B. RECOGNITION/PROCLAMATION/PRESENTATION

1. Proclaimed May 6 – 12, 2012 as RISE Phoenix Week.
2. Proclaimed the month of May 2012 as Mental Health Month.

C. CONSENT AGENDA

It was moved by Amyx, seconded by Dever to approve the consent agenda as below.

Motion carried unanimously.

1. Approved City Commission meeting minutes from 04/10/12.
2. Received minutes from the following boards and commissions.

Planning Commission meeting of 03/26/12
Parks and Recreation Advisory Board meeting of 04/10/12
Public Health Board meetings of 02/20/12 and 03/02/12
Lawrence Cultural Arts Commission meeting of 03/14/12
Public Incentives Review Committee meeting of 09/13/11
Sister Cities Advisory Board meeting of 01/11/12, 02/08/12, and 03/14/12

3. Approved claims to 148 vendors in the amount of \$1,612,130.73.



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

Drinking Establishment license for Minsky's Pizza, 934 Massachusetts St, Sidewalk Dining & Hospitality License for Shots, 1008 Massachusetts St. and On Premise Cereal Malt Beverage License for Burger's By Bigg's, 4801 Bauer Farm Drive "A".

5. Approved appointments as recommended by the Mayor.

Reappointed Sean Williams to the Historic Resources Commission for an additional term that will expire 03/01/15.

6. Bid and purchase items:

- a) Awarded bid for Project No. PW1201, 6th Street, Monterey Way to Iowa Street, KLINK Project, to Sunflower Paving, Inc., in the amount of \$1,144,208,62.
- b) Awarded the bid for Bid Number B1221, Project UT1204CS Pump Station PS43 Pump Replacement, to the low bidder, Tedrow Construction, L.L.C., in the amount of \$23,965 and authorized the City Manager to execute the contract.
- c) Awarded the construction contract for Bid No. B1222, project UT1104DS Wimbledon Drive (from Inverness Drive to the west line of the Alvamar Golf Course property) Watermain Replacement to the low bidder Westland Construction in the amount of \$411,985.35 and authorized the City Manager to execute the contract.
- d) Authorized the purchase of fume hood equipment for the Bioscience and Technology Business Center expansion facility, 4950 Research Parkway, in the amount of \$21,853.39, from Fisher Scientific. This is a sole source, purchased off the State of Kansas contract.
- e) Authorized the City Manager to execute an engineering services agreement with Professional Engineering Consultants for design phase engineering services in the amount of \$84,651 for project UT1105DS, 2012-2013 Watermain Relocation Program.
- f) Authorized City Manager to enter into an agreement with Landplan Engineering for engineering design services for the 6th and Iowa Geometric Improvements project in the amount of \$72,000.

7. Adopted on second and final reading, Ordinance No. 8729, allowing possession and consumption of alcoholic liquor on certain public right-of-way in conjunction with Arts Center Final Friday event, Art Tougeau Parade After Party and the Replay Spring Into Summer event on May 25 and May 26, 2012.
8. Approved a request by Lawrence 360 Church to install artificial turf as part of its new infant and toddler playground area.
9. Accepted 2011 Report on Tax Abatements and Economic Development incentives, as approved by the Public Incentives Review Committee on April 24, 2012.

D. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

Carter asked if the Fire/Medical strategic plan followed a template.

Corliss said the City was a member of the Center for Strategic Excellence and there was a format that was looked at. The Fire/Medical Department was accredited through a national agency and followed through with their criteria.

E. REGULAR AGENDA ITEMS:

1. **Consider approving Site Plan, SP-3-24-12, for a sidewalk hospitality area for Burger Stand at the Casbah Restaurant to be located at 801-803 Massachusetts Street (submitted by Paul Werner Architects for David and Susan Millstein and Round Corner Inv. LLC, property owners of record) and consider approving sidewalk dining and hospitality license. The sidewalk dining area will be located on the west side (covered alley area).**

Corliss said he suggested putting this item on the regular agenda just because it was in a unique location.

Lynne Zollner, Historic Resources Administrator, presented the staff report.

Mayor Schumm called for public comment.

No public comment was received.

Moved by Cromwell, seconded by Amyx, to approve Site Plan, SP-3-24-12, for a sidewalk hospitality area for Burger Stand at the Casbah Restaurant to be located at 801-803 Massachusetts Street and approve sidewalk dining and hospitality license. Motion carried unanimously.

2. **Consider the following items related to the North Mass Development project:**

- a) **Consider a Comprehensive Plan Amendment, CPA-11-8-11, to Chapter 6 of Horizon 2020 to expand the identified boundaries of Downtown Lawrence to accommodate a proposed mixed use project known as the North Mass Development. The request includes a proposal to exempt the proposed North Mass Development from the current requirement that individual stores in the Downtown Commercial Center have a maximum footprint of no more than 25,000 square feet. Proposed by Paul Werner Architects. (PC Item 4; failed to recommend 4-4 on 2/27/12)**

- b) Consider a request to rezone, Z-12-29-11, approximately 1.38 acres from IG (General Industrial) and CS (Commercial Strip) to CD (Downtown Commercial), located at 401 & 415 North 2nd Street. Submitted by Paul Werner Architects, for Exchange Holdings LLC, property owner of record. (PC Item 5A; approved 5-4 on 2/27/12)
- c) Consider a request to rezone, Z-12-30-11, approximately 2.14 acres from IG (General Industrial) to CD (Downtown Commercial), located at 0 & 100 Lincoln Street and 151 & 100 Perry Street. Submitted by Paul Werner Architects, for D&D Rentals of Lawrence, LLC, property owner of record. (PC Item 5B; approved 5-4 on 2/27/12)
- d) Consider a request to rezone, Z-12-32-11, approximately .83 acres from IG (General Industrial) and CS (Commercial Strip) to CD (Downtown Commercial), located at 409 & 501 North 2nd Street. Submitted by Paul Werner Architects, for Jeffrey Hatfield, property owner of record. (PC Item 5C; approved 5-4 on 2/27/12)
- e) Consider a request to rezone, Z-12-33-11, approximately .34 acres from OS (Open Space) and CS (Commercial Strip) to CD (Downtown Commercial), located at 300, 311, & 317 North 2nd Street. Submitted by Paul Werner Architects, for Riverfront Properties of Lawrence, LLC, property owner of record. (PC Item 5D; approved 5-4 on 2/27/12)
- f) Consider a request to rezone, Z-12-34-11, approximately 1.61 acres from IG (General Industrial) to CD (Downtown Commercial), located at 139 Perry Street, 505 North 2nd Street & 141 Maple Street. Submitted by Paul Werner Architects, for HDD of Lawrence, LLC, property owner of record. (PC Item 5E; approved 5-4 on 2/27/12)
- g) Consider a request to rezone, Z-12-35-11, approximately .55 acres from IG (General Industrial) to CD (Downtown Commercial), located at 133 Perry Street. Submitted by Paul Werner Architects, for Kaw River Estates, LLC, property owner of record. (PC Item 5F; approved 5-4 on 2/27/12)
- h) Consider a request to rezone, Z-12-36-11, approximately 1.38 acres from IG (General Industrial) to CD (Downtown Commercial), located at 600 North 1st Street, Block 3. Submitted by Paul Werner Architects, for Abfield Investments, property owner of record. (PC Item 5G; approved 5-4 on 2/27/12)

Amy Miller, Long Range Planner, presented the CPA staff report.

Paul Werner, on behalf of the applicant, presented the project.

Schumm asked how many acres were involved.

Werner said overall about 18 acres.

Schumm asked if that includes buildings and parking lots.

Werner said everything.

Schumm asked if the boardwalk would all be open to the public.

Werner said yes.

Schumm said we wanted to keep that vista open for everyone.

Amyx asked about the rationale for going to 50,000 square feet.

Werner said it was important to understand why the 25,000 foot requirement was currently in the Commercial District. He said 50,000 feet could accommodate a hotel, grocery store, movie theater, or family fun zone. He understood the concern but it really isn't about retail. We are hamstrung with one entrance and a 25,000 square foot footprint. At this stage, we need options and need to be able to talk to different people and market the property.

Carter asked if Werner was open to conditional zoning.

Werner said that was an option. That could be incorporated into the design guidelines. It would give us a little time to work on it. None of those footprints are bigger than 18,000. I would rather do that than an asterisk on the zoning.

Carter said the City zoned a new IG district to eliminate an obstacle of building big box retail and asked if the design guidelines would be the best way to preclude that type of retail.

Werner said he wrote down, to use a similar language up to 25,000 square feet or as listed in the design guidelines of the North Mass Development.

Carter said if they were to do it in the zoning itself, it would be confusing.

Werner said to ask for something different in the zoning would take this plan back to the Planning Commission and it would be approximately 4 months to get in front of a governing body to ask if the use was appropriate. A design guideline could be changed and approved more quickly.

Mayor Schumm called for public comment.

Dan Hughes, Sunflower Outdoor and Bike Shop, said his business had been downtown for 26 years. He said he is not against development along the river or afraid of fair competition.

He said he had several concerns though. Retail is a challenging environment right now. Several areas zoned for retail are vacant for various reasons. Why do we keep increasing retail? The answer is to increase retail and attract out of town shoppers with unique offerings. This project does not accomplish that, but is just another downtown. The one glaring exception is the addition of big box retail at the edge of downtown. A big box retailer would directly compete with downtown stores and would not attract people from out of town. They are asking for carte blanche to build whatever they want. As a retailer in downtown, I feel now is not the time to add space to inventory.

Kirk McClure said he wanted to speak regarding the absence of development controls. What we need is an exercise to look at the capacity of the city to absorb this space. Zoning is more than height, bulk and use, it is timing. We are now in an era of severe real estate cycles. The city is also not only a regulator but a partner in the development process. Real estate as an industry cannot be trusted on timing issues. We should not replicate past mistakes. The City's problem is that if you grant the requests tonight you lose control. The Riverfont Mall is an example of that. The Downtown 2000 project failed also. Now the developer can build a great amount of space without controls. We need better development controls, careful market analysis. The developer will always find a market analyst that will recommend their project. I recommend that you deny the project and send it back to the Planning Commission.

Brian Sultana said he agreed with the comments of the last two commenters. This seemed like a bad idea at this time. Creating another downtown did not seem like a winning strategy.

Dan Dannenberg said he seconded Professor McClure's comments. He said he didn't have any expertise in this type of issue, but he kept coming back to the Tanger Mall which was supposed to be a retail magnet. There is very little retail activity there now. It seems like it has been an absolute failure. To add a project like this doesn't seem practical or feasible. Because this is so close to the river, what happens when you have to drill down to establish pilings for

buildings? With respect to a hotel, I have not heard any data that there is a shortage of hotel rooms in this city.

David Johanning, DLI, said DLI supports the rezoning request except the exemption regarding 25,000 square feet. The Commission should approve the request without that exemption. The members of DLI are very interested in the project. Many members see the project as a potential boon to downtown but others see it as a detriment. DLI held three meetings with the developers to help understand the project better. Following the meetings they met with Amy Miller in Planning. Later they meet with Jon Davis and others again with follow-up questions. DLI supports using the property for residential purposes. They remain concerned with the size and amount of retail space proposed. They do support a grocery store or movie theater. They support CD zoning because of the residential component, the food sales requirements, and the architectural guidelines. They would also support a good connection such as a nicer walking bridge or trolley system.

Ted Boyle, North Lawrence Improvement Association, said they worked with the developers for 3 or 4 years. They are in favor of this development. It is mostly residential. We need the 50,000 square feet for a grocery store. This is a special area along the river that other cities have started to develop entertainment and residential districts for public use in their communities. He said he lived right on the levee and sees how many people utilize it. This will definitely improve people coming to Lawrence. If there is something there this will help bring money to Lawrence and North Lawrence. This is not something that is going to happen tomorrow. This is just the beginning. I have heard there are no controls, but when you site plan and plat something it has to go through a process of approval. He hoped the commission would move forward on this.

Peter Zacharias said he agreed with Dan Hughes. The site is gorgeous and would make a compliment to downtown if it was mostly residential. He was concerned with abandoning the comp plan. More residents in the district would be a boon to downtown. He urged the

commission to stick with the 25,000 square foot limit and maybe cap the total retail square footage at 100,000 or something.

Gary Rexroad spoke in favor of the zoning request. He said it was human nature to fill an unknown with your best thoughts and worst nightmares. It was important to recognize that competition was good. We don't want to do anything rash, but the request today isn't to decide and make detailed decisions, but is to enable investors to make investments in our community. He encouraged the commission to approve the request to enable what might be. There are enough steps to go through to avoid the risks.

Rick Renfro said 4 or 5 years ago Jon Davis came with a vision. The more that I get into it, the more I realize that you have to dream. It takes years to do things and I am biding my time and hanging in there. We have done the city a service by getting this to the point it is now. If it is not approved tonight I don't know if I want to go through with it for more years. When you say big box I think of Walmart or something, and that has never crossed my mind with this project. I would love to have a grocery store over there. It would be a financial windfall for whomever did that. On the controls, they are sitting right there with the coats and ties there.

KT Walsh said last time this was brought up a city commission she suggested that the developers speak with Friends of the Kaw. Our former governor Mike Hayden had created 8 small parks and boat put-ins along the Kaw. When we talk about getting back to the river, it wouldn't hurt to get Governor Hayden's input. It is a silly idea for the developer to write their own design guidelines. If you want the privileges of CD you need to meet the requirements too. The developers should meet with Tenants to Homeowners (TTH). We would like to see low to moderate income apartments at that location.

Carter said Walsh had mentioned TTH several times but he hadn't heard from them directly.

Walsh said they were all about getting people out of rentals and into their own homes.

Carter said perhaps they should reach out to the developers too.

Erika Shearer said it sounds like what we are talking about is developmental controls. People come to Lawrence because it is different. If we are talking about extending downtown we should really do that and not create another Tanger Mall. Replacement of low income housing with less affordable housing is not appropriate.

Frank Male said if you have seen the area in back of Johnny's then this project is a breath of fresh air. What would be ideal would be this plan and a convention center. Lawrence is just ripe for that, attracting trade shows and business meetings. Where else can you put that close to downtown? It is an exciting opportunity.

Schumm said in this particular zone, is there a particular percent of residential called out?

Scott McCullough, Planning and Development Director, said there is a requirement in CD that there be no residential on the first floor along Mass. There is no limit on density of residential once you go above the first floor. There is an existing standard that footprint for principal use, within the CD district, shall not exceed 25,000 square feet. When we have talked to the applicant we have been in discussions about this being a unique area and request. That culminated in design guidelines like downtown, but it is different enough with the levee and other features that it needs its own guidelines. That would act as a zoning overlay. That really needs to be developed through this extraordinary step of additional controls.

Schumm said the guidelines could act as a future guarantee of what could be developed.

McCullough said this presents a unique opportunity for quality design on the levee and there are unique features that demand attention. Generally, this looks at whether downtown should be extended and we may need to take a week or two and craft specific language after tonight's discussion.

Schumm said the other question is whether there should be a cap on overall retail at 100,000 square feet or something. We have a picture with a lot of residential but it may not turn out that way.

McCullough said it could with the design guidelines.

Schumm said with the guidelines you could get at forecasting uses and percentages.

McCullough said yes.

Carter asked about other controls for design of this area.

McCullough said platting, individual site plans, and a portion of the property would be reviewed by the HRC. We talked about the need to keep it flexible enough. A planned development overlay may not serve the project very well and guidelines may serve it better.

Cromwell said as far as the design guidelines, is this something we write.

McCullough said instead of going out for an RFP we have invited the applicant to start drafting those guidelines and we would work with the applicant before presenting those guidelines to the Planning Commission and City Commission.

Cromwell said the design guidelines are absolutely critical to his support.

McCullough said we have recommended a condition on the zoning that the guidelines are approved before any development takes place.

Amxy said as we look at guidelines versus conditional zoning, which gives us greater control.

McCullough said the guidelines provided the most flexibility but also the most control for the City Commission, in his opinion.

Schumm asked about parking. Would it be private?

McCullough said the existing CD didn't require private parking. The idea here was that this area would have to provide its own parking and meet the parking standards for the uses proposed. We would look to the standard parking table and the parking would have to be supplied. That would be a condition of zoning which would be considered later.

Schumm asked if the Commission would like to hear the next item considered first before voting on this item, as they are intertwined. He said we might as well get everything on the table at once.

Sandy Day, Planner, presented the zoning requests.

Paul Werner presented the applicant's presentation regarding the zoning.

Ted Boyle said he wanted to rebut some comments made earlier. The I-70 Business Park was 70% occupied. North Lawrence Improvement Association (NLIA) has been working with the new owner. North Lawrence currently had over 20 Habitat homes. Tenants to Homeowners just bought some properties on Elm and NLIA has been working with them. Affordable housing was moving forward in North Lawrence. This was something totally different though, which would really bring people and money into North Lawrence. Stormwater was their number one issue in North Lawrence, and this project will have to have special attention. The developers will have to spend a million dollars to keep the land dry. As a whole, North Lawrence was looking forward to this project.

Boog Highberger said if this project is going to be CD it needs to have public streets and public parking.

Kirk McClure said design guidelines were necessary but not sufficient. They would not address surplus space or timing. What is missing is a development control on the timing of the project, and that should be independent of the design guidelines. Second, they say we will only build when we have a lease in hand. That doesn't create any more attendees or restaurant dollars. Developers are cannibalizing the demand that is in the market. Having a lease in hand doesn't mean you aren't overbuilding.

Ericka Shearer said we needed adequate parking, but I go up there to see trees and birds, not businesses.

KT Walsh said the reason she brought up TTH was because she hoped there could be low to moderate housing right on the river. The reason she brought up Friends of the Kaw was that we are building in a delicate area and it will have an impact on the river and wildlife.

Amxy said regarding the 25,000 square feet, he liked the idea of the development but he also believed in a strong downtown. We are being asked to change the comprehensive plan to allow the extension of downtown. How do we make sure under these design guidelines, I would like to see these folks go out and market their property and limit retail to 25,000 with a special use permit or some other mechanism to allow us to look at going out and looking at the additional space above 25,000. This change to CD zoning may just be the ticket to allowing more and better development along the North 2nd Corridor, but he wants this body to be involved in the size of the retail.

McCullough said one avenue was to build within the guidelines a way to exceed the threshold. We need to look closer at the guidelines process. The staff report has three conditions. One thing that is beginning to come out is that the condition about 50,000 square feet should be vetted out through the guideline process. We could address the development timing in that way also. Perhaps there is a threshold that has to come to the Commission for review.

Carter said the downtown plan actually does have language about needing to expand the downtown district. We need to be addressing this and getting out in front of it. This is an excellent spot to expand the downtown district and utilize an underutilized feature – the river. How do we do this to add value to our downtown – that is the big question. It is currently zoned IG. Obviously CD is a big improvement over that. CD requires more residential, has the food and liquor ratios like downtown and the additional design guidelines which make CD a superior choice. The Planning Commission did vote this down, but it looks to me like everyone who voted against this liked the concept but wanted more details. So for us to ask for all the details up front, it is just a land use issue at this point. Is CD a good option? Absolutely. A retail cap could

make sense to address some concerns. If not a cap at least something to know that a big box store would not be approved. He said he hears McClure's concerns and what he is getting at is a challenge. The real estate market has gotten it wrong before, but sitting on Planning Commission he has been concerned about all the apartments. Still he struggled about at what point government takes that decision out of the hands of the free market. He said he feared the unintended consequences of being late and missing opportunities. We have to be prepared when people are ready to make investments. There are other factors also. The wellness center could have a big impact on hotel capacities and other things. Regarding the convention center he looked at that like wanting to compete with the Legends. Without airports like KC and Topeka it would make that hard to fly here. Based on design guidelines, he is in support of this because we have addressed the concerns of carte blanche approval. We can control the kind of things going in here to add value to the community.

Schumm said regarding the hotel and the 25,000/50,000 issue, is that just for retail. How many square feet is the 900 New Hampshire building?

McCullough said that applied to the footprint of the principal use.

Schumm said it could be a 50,000 square foot footprint, 4 stories high, and have 200,000 square feet.

McCullough said yes.

Dever said we have to be careful about how we expand downtown. At one point North Lawrence was bigger than the rest of Lawrence. This is a great opportunity to reintroduce some unity and connectivity to the community and the river. We are going to invest a lot in the next few years in North Lawrence such as the dam project and pump station. This is a way to augment downtown. I am ready to maybe cap the size of retail. I would like it to be an extension of downtown. There are some areas along the river that are blighted and need some help and this is a way we can help thoughtfully plan it. I think Lawrence's vacancy rate is in pretty good shape relative to others. I am not as concerned with having too much retail. Just because there

is just one of each in downtown now doesn't mean there can't be more. The fears I have heard about taking away from downtown I don't want to be repeated. Two things happened with Tanger – outlet malls went out of style and the internet happened. I am generally in favor of CD but not as much in favor of changing the square footage.

Schumm said the applicant is requesting CD zoning with a change. I would rather take each additional request for development separately as they come in. If this is going to be an extension of downtown it should look like downtown. I am in favor of amending the CPA but without changing the 25,000 square feet.

Amyx said under the design guidelines we can have the controls we need. I do like the idea of doing development along the riverfront. We have done some things in the past to try but this really makes sense. Wherever we are right now in the process we understand it will be a long process and appreciate everyone who worked on this project. I like the CD zoning, the new plat cleaning up 43 parcels and making them 10 parcels. Parking is a major part of any business. I would like to see us, and I don't know what the language should be, not to stop you from developing something larger than 25,000 square feet. I would support something having this body able to hear and grant a waiver to allow for a larger structure. I would like to see a cap on retail as defined by our codes. Regarding the vacancy rate, I think we are ahead of that. As long as this project is going to take, I think growth is going to cut into the rate. I think keeping the food sales requirements makes sense. Scott can come up with a way to approve something over 25,000 square feet and design guidelines must be approved before development.

Cromwell said there is some blight at this location now. This project can help that. We are in area right next to downtown and that is why we have been careful. He said he likes the idea of CD zoning with the parking addition. The change of square footage he agreed with his fellow commissioners. That is the footprint too. A two story building could have double the square footage. There are a lot of two story retail models. The key to this project is in the design guidelines and making sure we have something that looks great and is different than Tanger

and Riverfront. This will be its own unique project and will create a great opportunity. In short, he supported going ahead with the caveat that he is interested in seeing the design guidelines.

Carter said to clarify...

Cromwell said he was in favor of keeping the 25,000 square feet.

Carter said he was hearing “no” to the staff recommendation of 50,000 square feet. We need to leave the door open to what we want to see – a movie theater, a grocery store or a few other uses that are not big box retail. His concern was leaving it at 25,000 was going to filter out some things we want.

McCullough said his recommendation would be to leave the 50,000 square feet in the plan. What is zoning law is what is in the design guidelines. We could leave in those guidelines 50,000 with City Commission approval. He thought leaving the CPA language as is allowed the design guidelines to meet that challenge.

Dever said he learned that it was better to be careful with this type of issue than leave it automatic in carte blanche. He asked if it was a 25,000 square foot “business” and not a 25,000 square foot “store.”

McCullough said the current code standard was any principal use.

Dever said he was open to other uses, but not open to allowing 50,000 square feet without having any knowledge as to what would be at that location; what would be developed first; and, how it would flow. He said the message he would like to send was that he agreed those uses were necessary and could be possible, but in the past people have come before the City Commission with plans and those plans did not materialize. There were some things that happened that were not in line with what was provided to the City Commission when the initial plan was given to the City Commission.

McCullough said that he recommended not foreclosing the possibility of having that engagement with the City Commission through the guidelines; adopt the Comprehensive Plan Amendment as staff recommended; and, with the zoning conditions, drop number one. He said

staff would take City Commission direction and work on the guidelines to present to the City Commission at a future date.

Amyx said regarding the larger than 25,000 square feet, he suggested having the public hearing with the City Commission to take care of any problem that he might have with the square footage.

Moved by Amyx, seconded by Carter, to approve CPA-11-8-11 to Chapter 6 of Horizon 2020 to expand the identified boundaries of Downtown Lawrence to accommodate a proposed mixed use project known as the *North Mass Development*. Motion carried unanimously.

Shumm said the motion included the proposal to exempt the proposed North Mass Development from the current requirement that individual stores in the downtown commercial center have a maximum footprint of no more than 25,000 square feet.

Shumm asked McCullough to explain the next motion.

McCullough said this set up a policy and did not provide zoning law. The next motion on the zoning would create a condition that the guidelines would be created before any development occurred.

Schumm said that any store or enterprise over 25,000 and 50,000 square feet must have the approval of the City Commission.

McCullough said correct.

Cromwell said if the City Commission were to remove the exemption and cap it at 25,000 square feet in this document, he said they could still come to the City Commission for a larger project.

McCullough said that could be done, but this document supported what ultimately became the guidelines and the opportunity to entertain a proposal over 25,000 square feet. He said the City would want that support in the Comprehensive Plan.

Dever said that language would require it to come to the City Commission if it was over 25,000 square feet.

McCullough said this would be a difference between the current downtown district and the North Mass area.

Werner said subject to the 25,000 square foot footprint, or as listed in the design guideline, or was approved by the City Commission. He said the only thing he saw listed in the design guideline was a hotel, museum, grocery store or theater and anything else above 25,000 square feet would need to come before the City Commission.

Schumm said for his personal comfort point, he liked the motion the way it stood.

Dever said he liked it either way.

Carter said the only change it made was that those 4 uses include would still need to come back to the City Commission.

Werner said correct.

Schumm said for any footprint over 25,000 square feet would need to come before the City Commission.

Amyx said his recommendation was to allow any allowed use in that zoning category to be considered, but if it was greater than 25,000 square feet, just to not hold up a grocery store or any other of those 4 uses that would be bigger than 25,000 square feet, rather than go through a long process, to come directly to the City Commission for approval.

Schumm said two weeks maximum.

Amyx said the next motion would be subject to the conditions of staff's recommendation with the change of condition number one, to 25,000 square feet. He asked about the design guidelines.

McCullough said his recommendation was to strike number one and incorporate the direction that was heard by the City Commission into the proposed condition number three which was the guidelines. He said the City Commission would ultimately have review and

approval authority. He said the Commission did not necessarily need to address the size of the maximum footprint at this time because the Commission had given staff direction as to how they wanted that to look in the process and incorporating those into the guidelines was the direction staff would take.

Amyx said in the Comprehensive Plan Amendment, that gave the direction of 25,000 square feet or greater and an appeal could come to the City Commission and be part of the guidelines.

McCullough said it would be part of the guidelines. He said he recommended striking number one and keeping number two and three as stated on page 2 of the staff report.

Amyx said his recommendation was to concur with staff's recommendation, strike number one and have only two conditions on the zoning.

Moved by Amyx, seconded by Carter, to approve rezonings Z-12-29-11, Z-12-30-11, Z-12-32-11, Z-12-33-11, Z-12-34-11, Z-12-35-11, and Z-12-36-11, subject to striking condition number 1 and maintain conditions 2 and 3. Motion carried unanimously.

The City Commission recessed for a short break at 9:10 p.m.

The Commission returned to regular session at 9:20 p.m.

3. **Consider adopting Resolution No. 6969, authorizing the Mayor to execute Agreement No. 12-12 with the Kansas Department of Transportation for the construction of improvements to K-10 (South Lawrence Trafficway) and the construction of 31st Street from Haskell Avenue to O'Connell Road.**

Chuck Soules, Director of Public Works, presented the staff report.

Jonathan Marburger, KDOT, presented an overview of the project.

Schumm asked how many vehicles per day they anticipated on K10.

Marburger said 30,000 initially and up to 60,000 eventually.

Mayor Schumm called for public comment.

Rob Chestnut said he spoke in favor of the resolution. He said Transportation 2030 incorporated many of the mitigations and alignment considerations. He said we had considered

the other alignments but if they had been adopted we would not likely see a bypass in our lifetime. The other alignments had higher costs and mitigation issues that were prohibitive. It was an unintended consequence of delays to the project that the city and county spent significantly more on maintenance to other arterials in the community. Another consequence was that if you lived south of 23rd and east of Louisiana you didn't have access to the rest of Lawrence during rush hour.

Heather Harper said during her time at Haskell she learned a lot about the history of the university and the wetlands. The children who were brought to Haskell during the boarding school days fled to the wetlands in an attempt to maintain their cultural identity. The wetlands were an important place to Haskell students, where they could go to learn from their relations, the turtles, birds, and other wildlife. The wetlands in her hometown had been bought by a developer and dedicated to his wife. It included a cultural center, trails, boardwalks, etc. The plans for the wetlands previously had been to build a ball field, but due to environmental concerns he changed his plans. A place to go and get away from the rigors of work and school was provided by the wetlands. Preserve every inch of the wetlands.

Laura Routh said she had a couple questions. She said she was wondering how much the price tag was for the agreement between KDOT and the city. The second question is why 31st had to be relocated. It was like adding insult to injury. It works pretty well as is. Why is it necessary to move 31st Street? It just adds to the damage proposed by the project. What assurance do the citizens of Lawrence have that KDOT will provide proper environmental controls? Their compliance history does not support what they are saying. They had problems on the 59 project. Given the divisiveness of this project, does the city want to hitch its wagon to KDOT? The fourth question was related to money. In past weeks the commission had discussed the rec center, the police facility, various TIFs. Aren't we close to violating our debt policies? You all have the power to stop this. If you don't do that you will break a lot of hearts,

mine included. If this highway goes through you will have that as a legacy you have to explain to your kids and grandkids.

Chuck Soules said previous estimates for 31st were 7 million, now 4 to 4.5 million with KDOT's participation.

Corliss said it would be paid by future debt issuances, within the city's debt policy.

Schumm asked why 31st Street is being moved.

Marburger said we went through a number of iterations. We looked at a number of options. After a number public involvement sessions it was in the judgment of the project teams that it was a net benefit to Haskell to abandon the corridor back to Haskell rather than having two corridors.

Schumm asked what assurances we have that KDOT will operate with environmental care.

Marburger said in recent years KDOT has been a lot more aware of issues of construction runoff. This project has a lot higher profile. We have an MOU with the Corps of Engineers on construction processes.

Schumm asked if the Corps would be monitoring this.

Marburger said to his knowledge they would not visit it regularly, but the agreement called for allowing five members of the Native American community to inspect the project.

Boog Highberger said this was one of the rare occasions he wished he was still on the other side of the dais. During my time on the commission I tried to find consensus on this issue but obviously failed. My concern is that this project will be the single most divisive project in modern Lawrence history. The only comparison was the proposal to tear down half of downtown Lawrence and build a mall. This is the city's last opportunity to avoid a mistake here.

Simran Sethi said the unintended consequences of the project were that it would devastate biological diversity and destroy native wetlands. The sites are not comparable and never will be. Building this road through the wetlands was a violation of sacred intergenerational

promises. The real question is how desperately growth was wanted. There are better ways. Ways to fuel economic engines without degrading quality of life. I have voted for almost all of you and offered support. I voted for you because I believed in you to protect the health and welfare of this entire community. If you vote for this you are making an irreparable decision. The right thing is to vote against this.

Elizabeth Schultz said Lawrence has been her home since 1967. The wetlands had been home to diversity for millennia. It has been interesting to hear tonight plans for more concrete to be laid down, for more wildlife to be moved out without warning. I have a friend who bird watches in the wetlands and he posts lists of birds he sees each morning. She read a list of birds he saw this morning. I saw myself an otter, turtles, possums. These creatures will not be given warning when their homes are destroyed. Some of these animals will not return. The wetlands are a treasure inestimable. They are home to countless species. Let them live amongst us so we may all have a future.

Jessica Lackey said she wanted to state a couple facts. President Obama had signed a statement of apology to Native Americans. On 11/16/11 Governor Brownback signed a resolution of apology to Native Americans. As a Cherokee woman and soon to be graduate of Haskell, I do not find sincerity in either apology when the SLT is being pushed forward. The wetlands are a historical site of resistance to boarding school policies. You are ignoring the history of the wetlands. This commission needs to understand that this trafficway continues atrocities against native peoples.

Marisol Cortez said she wanted to speak to two arguments: the argument that ecological concerns are settled by mitigation, and the argument that concerns about the cultural loss are not being heard. A member of the wetlands preservation spoke about the meaning of sacredness. Where something traumatic has happened a place is sacred. When I first visited the wetlands I felt that sacredness. Feeling uprooted and relocated here I felt a refuge in the wetlands. This is something that can't be compensated for by an accounting of number of

mitigated acres. Something I study is how power works. I tell my students we can't think about how we treat nature without studying how we treat each other. The SLT reflects settler colonialism that has not stopped. These deep historical relations cannot be mitigated by creating new wetlands. Voting no tonight would begin to resolve these historical conflicts.

Teresa Zaffiro said she spoke in rejection of the SLT. She read a statement from Governor Brownback about the unique ecology of Kansas. If a wetland is a wetland, why are the Cheyenne Bottomlands worth preservation and not the Haskell Baker Wetlands? They also have strong cultural value. This is an environmental justice issue. If we don't build the SLT we can put Douglas County on the map as a place that lifts up and values the indigenous peoples of the community. Douglas County could be a place that says no to superfluous spending and empowers diverse voices. Not building the highway is more economically and ethically responsible. Why destroy our state's cultural heritage? In this room we have people with economic arguments for the SLT and people with environmental and cultural arguments against it and we should value those.

Jordan Wade said please vote against this resolution. I teach and so I want to deconstruct some of the words we have seen in this presentation. Community: please take seriously what members of the community have come to say tonight. Modernization: this is not a new way to do things, just more of the same. To think in a modern way is to think about ingrowth and rail to Kansas City. Expansion: how can we expand education? Why not use some of this money to expand education. She encouraged the Commissioners to think about who this community is. There are people who can't afford to go to the same places we do to eat. There are people whose voices can't be heard. Do something drastically different and modern.

Clita LeBrier said she spoke because Haskell Wetlands are where our children ran to hide. There are more than 500 missing children who escaped from Haskell when it was a boarding school. You are going to find a lot of bones out there. It is a very spiritual space. It is not a place to build over, it is a sacred place. I have seen a lot of smirks and this is not a

smirking matter. There is a group of us going to Tulsa tomorrow for a United Nations meeting and we will be discussing the Haskell Wetlands. They are not just wetlands. Now you can do the right thing and let us keep our wetlands. We ask you to do the right thing and let us keep our wetlands.

Thad Holcombe said there was agreement and disagreement on this issue from an ecumenical standpoint. If you have seen an old communion table it sometimes says “Do this in remembrance of me.” Jesus is representative of freedom and exodus. I think of the wetlands as that table – do this in remembrance of me. Empower people to remember who they are. If you move that table the spirit is crushed. You may find new places but it is never the same. I ask that you do in remembrance of all, not remove this table.

Julia Barnard said her experience of the wetlands was given to her. It could not be more personal issue for me. I grew up here and was a junior commissioner. Growing up the first big step was biking across 31st to get to the wetlands. I appreciate that it is not a commercial space. I want to take my bike rides and walk there like I do know. I believe investing in infrastructure is important. There are other investments that are more valuable to the community. The plan discounts the ecological and spiritual value of the space. As a member of the community K10 serves us well as it is. The court is still discussing this issue so it doesn’t make sense to move forward on this now. You have the power to say no.

Mike Caron said he served as a citizen reviewer of the 31st Street and we were told that the alignment of 31st would be SLT neutral. This project is making that a lie. A lot of people like to say this region is the birthplace of the Civil War. This town is the heart of the history of the US government’s efforts to eradicate native culture. It is really important for you to understand that this is the place for the history to be preserved of the boarding school history. Most of the other schools were closed and redeveloped. There are no other places to celebrate survival of native culture. This is a place that needs to be preserved, not something that ultimately needs 10 lanes of highway.

Hank Booth, representing the Chamber of Commerce, said standing in this group of people, many long term friends of mine doing great work at Haskell. I have to say as I begin that I have great respect for Haskell and the remarkable changes and work there. That makes it difficult to say what I have to say now. At the same time as someone who has lived in this community and watched the traffic pollution that has grown in our community. There is no indication that it will stop. For 20 years many of us have looked at K-10 highway as a safety issue in many ways. Please be aware that the truck drivers don't want to drive through Lawrence they want to go around. It is important to give the Boyd family and the Baker University family respect and acknowledge their work. The wetlands exist today and are open to the public because of their hard work.

Kim Scherman, President of KU Environs, said we teach students about preservation and conservation and have a great relationship with Haskell. If you vote for this the students in Environs won't be able to experience the wetlands the way we do today. Is it worth more to destroy a historical site? We say it is not. We are here against this destruction. We appeal to you, our city commissioners, who speak for us. Allow us to experience the wetlands in their entirety. If you approve this the people who come to KU in the future will never experience it the way we do today.

Nancy Kelly, Amarr Garage Door, said 40% of their trucks currently use 23rd Street through the city to leave their facility. Approval of the SLT will benefit businesses in Lawrence and residents by eliminating some congestion.

Gary Rexroad said he thought he would come tonight and speak without reservation in favor of the resolution, but he had really been moved tonight by what he has heard. This is a tough, tough, question. He had heard a good story about a plan that seems to mitigate concerns. You as commissioners had the unenviable task of balancing the needs of the community. The costs of doing nothing would be borne by the whole community. I am still in

favor of the resolution, and doing everything possible to mitigate the concerns of members of the community.

Brian Sultana said the SLT was a boon to big business and not to the community. If it is approved it is disregard for cultural and history, everything but the almighty dollar.

Thomasine Ross said she was one of the original people who filed a lawsuit against the federal government over the SLT. We have heard from the City Commission in the past that they have stood with us and would not support the 32nd Street alignment. We still had our lawsuit in the court of appeals and we are still hopeful that this will not go through. We have presented so many ideas about how we thought this could be taken care as far as going to the Wells Overlook Road connection to 59. We have been through these plans before. I don't know how long it will take, but we won't ever stop putting up a fight. We will not let that road go through. I am asking you not to approve this. I don't understand what we are talking about. I thought we would be talking about 31st from Haskell to O'Connell. I am not sure why we are even talking about the 32nd Street Alignment.

Schumm said we were talking about 31st tonight, not the SLT. It was related to the SLT, but the item tonight for the city was 31st Street.

Ross said we were talking about ratcheting 31st Street, which had been discussed before. Her opinion was that 32nd Street would not go through.

Stan Ross said he and his wife had raised a family here and now they were going to see what Lawrence was like as a retirement community. He said he was amazed at this day and age that we were still talking about building a road through wetlands. Historical, cultural and educational facets all spoke against this project. He also wondered what would happen to 31st if the SLT plan did not go through. He remembered in the 60's talking about this and here we were in 2012 still talking about it. We felt like we had to come tonight and let everyone know they were still here and still fighting it.

Lisa Cox said she suggested that the concrete alleys were hard on the body unless you have thick rubber soled shoes. That put it in context.

Jason Hering said he had been working with this issue for 3 years. After being involved with KU and finding out about this issue and that KU owns 20 acres of the wetlands, and there doesn't appear to be an agreement with KU regarding going through those 20 acres. We had been working on several projects including a boardwalk to connect to Haskell. Moving this would directly change everything we have done on this project, which is small and important to us. We have put a lot of work into it over the last few years. I view this process and if you approve of this, as a very large movement of disrespect. Not only for what has gone before but current residents who are going through a legal process. This decision is extremely early and needs to wait. In closing, I will end up with visualization. Imagine the history that the Wetlands represented and the ability of current Haskell students to walk there. Contrast that with the roads and concrete they'll have to cross to get there under the plan proposed.

Kim Forehand said she wanted to say if you look in the world as it is now, about every two hours another species goes extinct. The man from KDOT says we are going to lose only 56 acres of wetlands. We are at a point in history where that is unacceptable.

Ryan Winn says we have to consider the power structures. Lawrence would lose mature wetlands. The offset offers quantity but not quality. The argument today is often human gain versus the environment.

Dan Wildcat said he has been a faculty member at Haskell for 26 years. He thought all of us would concede the value of our education system tonight. So many good points had been made. One point was really relevant. We could go to any place where they are talking about development and they will be laying down miles of concrete. We like to think we are different in Lawrence. Why would we want to do the same thing to the people are trying to escape? We should honor a viable river wetlands that many people would love to have in their community with an ecosystem that can be walked. It's the best educational facility we have. I would

challenge you tonight to hold off. I don't know why there's this big proposal that needs to be approved tonight. It's still in the courts. Other cities would marvel to have what we have. We are doing some kind of modern insanity to want to destroy that and continue business as usual.

Matt Schwabauer said this issue was simple. Do we continue to invest in cars and oil? Are we just going to consume ourselves to death? Is that our future? If you vote to put in more concrete you do think we should do that. Our time of enlightenment is here. I ride my bike almost every day. I very rarely get in my car. This traffic way isn't for me.

Brett Ramey said he was from the area known as Iowa but we have been relocated. When you are relocated from your original environment you have a hard time retaining your native culture. I grew up in Missouri and had almost no connection to my cultural identity. Thorough places like the wetlands, I have been able to reconnect with my culture and also to the history of Lawrence and Haskell and all indigenous people. You might also consider how you can reconnect to that history also. Reconnecting has allowed me to learn to heal physically and emotionally. I ask you to consider how you can help Lawrence heal.

Julia Yang said she hoped her youth would enhance her opinion rather than diminish it. She was really excited about living in Lawrence. The unique parts of Lawrence are what make her excited about it. Destroying that uniqueness would make people less likely to want to stay.

Schumm said there was somewhat of a misconception about what we are doing tonight.

Corliss said you are considering a cooperation agreement with KDOT about certain aspects of the project, specifically 31st Street.

Soules displayed a map and explained the 31st Street section of the project, from Haskell to O'Connell.

Schumm said this extension of 31st had been discussed for a long time with or without K-10.

Soules said the SLT's future had been unknown and in order to make a connection east to west the extension of Haskell was important. Now we have a coordination effort to make sure our plans match the KDOT plans for the SLT.

Schumm said if the lawsuit is found against the project, will this roadwork be done according to the resolution?

Marburger said a decision tonight wasn't a yes or no on the SLT. If the lawsuit came back negative on the SLT it wouldn't change the agreement with the city.

Corliss said if the SLT doesn't proceed, we will have acquired the necessary right-of-way to build 31st from Haskell to O'Connell. We'll need to go back and look at a larger project cost. The agreement tonight is that we'll partner with KDOT on 31st if the SLT goes through, and we'll maintain the roads through the city that would no longer be state highways. We don't have the authority to stop the SLT project. The State of Kansas has decided to proceed. We have the choice of cooperating on 31st, the bike path, and streets within the city will be maintained by the city. Those are the main elements of the agreement. The city has supported this SLT connection and this is following through on earlier commission direction. We feel it is a benefit to the entire community.

Schumm said the portion of 31st street that would be relocated, is that part of this resolution tonight?

Corliss said no.

Schumm said it is only the portion between Haskell and O'Connell.

Corliss said yes. There are city streets that will be relocated, such as Haskell. The city limits are not changing with this agreement.

Amyx said it was about 2007 or 2008 that I asked the Commission to consider the connection of 31st between Haskell and O'Connell, because it was a safety issue. The only way to go west was to cross an uncontrolled intersection at 23rd/K10. I still believe that is an important part of the project.

Cromwell said to everybody, young people particularly, who came out to speak, he appreciated them being there. Don't think for a second that your efforts have been in vain. But if you look at the original SLT plans and compare them to what you have before us, there is a really marked difference, and that is because of the energy and activity of the community. Really, the plan we have here will impact the wetlands a lot less than they would have before. There are trails connecting non-motor vehicle infrastructure. He read a portion of the resolution, authorizing the mayor to execute an agreement to support the 32nd alignment. He said he supported the completion of 31st Street and that the city and state had a transportation problem. He said he didn't believe the 32nd Street agreement was the right way to go about it and he couldn't support this resolution.

Schumm asked if that was the correct interpretation of that resolution.

Corliss said KDOT had a project. Our participation was with the entire project. The project we are involved in is what is in the agreement.

Marburger said KDOT would do the plans and let the project. The city has no responsibility making the project happen, except for connecting the pedestrian sidewalk. We are coordinating with the city's efforts on 31st. Your vote tonight wouldn't be a yea or nay on the SLT, it is just an agreement to cooperate on the 31st section.

Corliss said you could rewrite it to not mention the SLT project. We want to do 31st Street extension any way. We could rewrite the resolution but we would still be coordinating with the project.

Carter said if we participate we have potential for significant savings on 31st extension. If we say no to this and the SLT goes through, we have potentially thrown away millions of dollars. Our vote has no bearing on whether KDOT goes through with the SLT.

Dever asked why we need to go through with this now if the project is in the courts.

Corliss said because KDOT is proceeding with property acquisition.

Marburger said to let the project we need to obtain the property. If we don't move forward the inflation of costs kills us. KDOT is committed to the project. We have to do everything we can right now to meet our project schedules and budgets. We are taking a calculated risk of a favorable court opinion.

Schumm asked when the opinion would come out.

Corliss said only three judges knew that.

Amyx said in 1985 he had the opportunity to become involved in the project. Cromwell had been very consistent in his position on the 32nd Street alignment. Amyx said the decision from the court was somebody else making the decision. Once that decision comes out we are all going to know it. This was a tough decision 27 years ago. At that time we were talking about the SLT and an eastern bypass. We have had a number of conversations about this project. From the day this project started there had been many changes. Was it a good project? There were divergent opinions and little middle ground. It will have an effect on safety issues on 23rd Street. This roadway is important. The very first time there was hesitancy on my part, but I believe that each one of us had taken time to understand and consider things. I believe that 31st Street east of Haskell was important and we should proceed with the resolution.

Schumm said he had the original inter-local agreement for \$38 million dollars. This is now \$150 million just to complete the leg. He said he had a hard time with this road. He had been against the chosen alignment, but it had been adjusted and tooled and he was not going to go back on it. His preference would not to have gone through the wetlands, but it has been decided, it was a state program and a court was going to decide it. Tonight we were talking about 31st and a safety issue there. In his mind it had been decided and it would be decided by the court.

Dever said people had really talked eloquently. It was hard to argue against the cultural arguments. The Commission's job tonight was that there was a highway dumping thousands of trucks into our community and they had to decide how to deal with that. For him, if the decision

was made in isolation it would be easier, but frankly we are without an east-west route from Iowa to the east. We are talking about 31st tonight. The choice tonight is about making 31st a reality. Then we open up discussion of the SLT. To me this is about building a road we need whether the SLT is needed or not. I wonder why we even need a resolution about the SLT. We need a road to cover that mile section period. It is not through the wetlands, it is built to respect the land it crosses. We need to be talking about this road because we need a place to put the trucks that are coming up 31st. To me this boils down to finishing out a leg of city infrastructure that we need and using KDOT funds to help with it.

Carter said he would echo those comments and add that in the end he respects the efforts of everyone on both sides of the issue. The efforts to stop it have resulted to improvements to the project and a lot of mitigation. He understood that didn't make people feel better about it. He agreed to move forward with this.

Schumm said he was torn about waiting for the decision or moving forward tonight.

Dever said it was a question of respecting the process, if we are assuming it won't be overruled and the law is on KDOT's side and if that is genuine.

Marburger said if the SLT gets built, the reason for the timing is to put the city and KDOT in a position to tie 31st in. If not there is a risk that 31st gets left behind and doesn't get tied in. if the court rules negatively it is still a win-win for the city for 31st. We want to let it concurrent with our project to capitalize on savings.

Moved by Amyx, seconded by Carter, to adopt Resolution No. 6969, authorizing the Mayor to execute Agreement No. 12-12 with the Kansas Department of Transportation for the construction of improvements to K-10 (South Lawrence Trafficway) and the construction of 31st Street from Haskell Avenue to O'Connell Road. Motion carried 4-1 with Cromwell in the negative.

4. **Receive presentation from the Kansas Department of Transportation on for the construction of an interchange at the intersection of Bob Billings Parkway and K-10 Highway.**

Chuck Soules, Director of Public Works, presented the staff report.

Kris Norton, KDOT, presented the project.

Eric Fritz, KDOT, said they had worked closely with the city to involve all modes of transportation.

Mayor Schumm said thank you, we appreciate this opportunity.

Norton said they would hold a public meeting in the summer.

Corliss said KDOT was not planning on tolling the SLT. One question we have is KDOT's participation here and at 6th Street and K-10. We hope KDOT's participation here won't diminish their involvement at 6th. He asked what kind of participation we had with neighbors in the area.

Norton said not yet. We could do that as a separate meeting with that neighborhood and the church. We would work with city staff on that.

Schumm said it works out better with us when we involved our concerned citizens.

Mayor Schumm called for public comment. None was received.

5. **Consider motion to recess into executive session for approximately 30 minutes for the purpose of discussing possible property acquisition and consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep possible terms and conditions of property acquisition and discussions with the attorney for the City confidential at this time.**

Moved by Dever, seconded by Carter, to recess into executive session for approximately 30 minutes, beginning at 12:05 a.m., for the purpose of discussing possible property acquisition and consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep possible terms and conditions of property acquisition and discussions with the attorney for the City confidential at this time. Motion carried unanimously.

The City Commission resumed the regular session at 12:31 a.m. No action was taken following the executive session.

F. PUBLIC COMMENT:

None.

G. FUTURE AGENDA ITEMS:

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

H. COMMISSION ITEMS:

None.

I. CALENDAR:

David Corliss, City Manager, reviewed calendar items

J. CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Amyx, seconded by Dever, to adjourn at 12:35 a.m. Motion carried unanimously.

APPROVED:

Robert J. Schumm, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk