



City of Lawrence

DAVID L. CORLISS
CITY MANAGER

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

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

CITY COMMISSION

MAYOR
MIKE AMYX

COMMISSIONERS
JEREMY FARMER
DR. TERRY RIORDAN
ROBERT J. SCHUMM
MICHAEL DEVER

September 23, 2014

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Dever, Farmer, Riordan and Schumm present.

A. RECOGNITION/PROCLAMATION/PRESENTATION

1. Recognized the Eutin Student Delegation and teacher Harro Künning.

B. CONSENT AGENDA

It was moved by Riordan, seconded by Dever, to approve the consent agenda as below. Motion carried unanimously.

1. Received minutes from various boards and commissions:

Board of Zoning Appeals meeting of 08/07/14

Community Development Advisory Committee meeting of 04/24/14

Joint Economic Development Council meeting of 04/25/14

Lawrence Douglas County Bicycle Advisory Committee meeting of 08/19/14

Public Health Board meeting of 07/21/14

2. **PULLED FROM THE CONSENT AGENDA FOR SEPARATE VOTE.** Approved all claims to 224 vendors in the amount of \$3,553,850.69 and payroll from September 7, 2014 to September 20, 2014 in the amount of \$2,057,392.18.
3. Approved Class A Club licenses for Lawrence Country Club, 400 Country Club Terr., and Mount Oread Aerie 309, 1803 W. 6th St., as recommended by the City Clerk's Office.
4. Approved appointments as recommended by the Mayor.

Aviation Advisory Board: Appointed Anthony Perez to a position that expires 05/31/17.

Board of Zoning Appeals/Sign Code Board of Appeals: Reappointed Jonathan Holley to a position that expires 09/30/17. Appointed Patrick Wilbur to a position that expires 09/30/17.



Hospital Board: Reappointed Mike Wildgen, Dr. Lee Reussner, and Jane Blocher to additional terms that expire 09/30/18.

5. Bid and purchase items:

- a) Approved sole source purchase of one (1) Trimble GPS/GNSS R10 GPS Rover and Data Collector, for the Utilities Department, from Seiler Instrument in amount of \$29,500.
- b) Awarded Bid #1453 for dumpsters for the Public Works Department, to Downing Sales and Service, in the amount of \$88,872.
- c) Authorized the City Manager to execute an Engineering Services Agreement with Black & Veatch, in the amount of \$99,548, for Design and Bid Phase Engineering Services for Project UT1418 - Kaw Water Treatment Plant Motor Control Center Replacement.
- d) Authorized the City Manager to execute Supplemental Agreement No. 3 to the existing Engineering Services Agreement with Burns & McDonnell, in the amount of \$40,000, for continued construction phase engineering services in conjunction with Project UT0701DS - Kaw Water Treatment Plant Transmission Main Phase I.

6. Adopted the following ordinances on second and final reading:

- a) Ordinance No. 9011, prohibiting parking without a permit and providing resident parking on Edgehill Road, along the northerly side of Edgehill Road from 110 feet east of Louisiana Street, east 50 feet for properties located at 1647 and 1649 Edgehill Road.
- b) Ordinance No. 9035, amending the City's Schedule of No Parking Zones, and authorizing the City Manager to sign a Right of Way Agreement with Lawrence Bank for the temporary lease of two parking spaces at 8th and Massachusetts Streets.
- c) Ordinance No. 9037, for Special Use Permit (SUP-14-00259) for Pump Station No. 10 Addition, located at 3055 Louisiana St. (PC Item 1; approved 10-0 on 8 /25/14)

7. **PULLED FROM THE CONSENT AGENDA FOR SEPARATE VOTE.** Approved Site Plan, SP-14-00345, and sidewalk dining and hospitality license for Lady Bird Diner located at 721 Massachusetts Street. Submitted by Matt Cullen for Robert and Sandra Schumm, property owners of record.

8. Approved Site Plan, SP-14-00330, and sidewalk dining and hospitality license for Pickleman's located at 818 Massachusetts Street. Submitted by Daniel Vargas for G & P LC, property owner of record.

9. Authorized the Mayor to sign a Certificate and Acknowledgment Regarding the Lease Agreement and Estoppel related to the Industrial Revenue Bond financing for the Bliss Sports portion of the Rock Chalk Park Project.

10. Approved a street event permit for the Lawrence Bicycle Club's 2014 Octoginta, closing Massachusetts Street from 11th Street to 13th Street, on Sunday, October 12, from 7:00 a.m. – 9:00 a.m.

Amyx pulled consent agenda item no. 2 regarding claims for a separate vote.

Moved by Schumm, seconded Farmer, to approve non-Rock Chalk Park related claims to 215 vendors in the amount of \$3,404,380.48. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Nay: None. Motion carried unanimously.

Moved by Schumm, seconded by Riordan, to approve Rock Chalk Park related claims to 9 vendors in the amount of \$149,470.48. Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Abstain: None. Motion carried.

Moved by Schumm, seconded by Farmer, to approve and payroll from September 7, 2014 to September 20, 2014 in the amount of \$2,057,392.18. Motion carried unanimously.

Schumm pulled consent agenda item 7 regarding the approval of Site Plan, SP-14-00345, and sidewalk dining and hospitality license for Lady Bird Diner located at 721 Massachusetts Street for a separate vote

Moved by Farmer, seconded by Riordan, to approve Site Plan, SP-14-00345, and sidewalk dining and hospitality license for Lady Bird Diner located at 721 Massachusetts Street. Submitted by Matt Cullen for Robert and Sandra Schumm, property owners of record. Aye: Amyx, Dever, Farmer, and Riordan. Nay: None. Abstain: Schumm. Motion carried.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, discussed the August 2014 Building Permit Report; Sales Tax Information Availability; and, the City website receiving a 2014 Pinnacle Award from NAGW.

Amyx stated we were able to thank Megan Gilliland, Communications Coordinator, for her hard work on the City's website and pass along a special thanks to Chris Stringer, E-Gov Coordinator as well as everyone else.

D. REGULAR AGENDA ITEMS:

1. **Consider approving a street event permit allowing, with conditions, for the 2014 Color Run on Saturday, October 18, 2014.**

Mark Thiel, Assistant Public Works Director, presented the staff report.

Amyx stated is Massachusetts Street being made one-way.

Thiel stated no. Massachusetts Street will still be north/south. It will be open to traffic both directions. We will have message boards at 6th and Ohio and 13th and Haskell Avenue notifying vehicular traffic that there is an event going on downtown so if their intent is to not come to downtown they could choose an alternate route to avoid downtown.

Ryan Robertson, President of Silverback, stated the plan is to hold up runners at Massachusetts Street and Massachusetts will not be shut down. We'll hold up runners, let cars go across and when the traffic subsides we'll let the runners go back across. This isn't a timed event and it's not like normal events where you would be catering more for the runner for right-of-way. This is not a problem to hold up runners at the start line

Amyx stated the only thing I was looking at is on the legend it talks about the Color Run Lawrence and it gives direction of runners and vehicles. The direction of vehicles on Massachusetts Street and New Hampshire and it has them both going north and then it has Rhode Island Street that goes one way, the other way.

Robertson stated those arrows should be showing both ways and that's the plan that's been worked out with the Lawrence Police Department.

Schumm stated I received several comments about businesses in the area that are concerned about their customers being able to get to their stores. From your presentation, Massachusetts won't be closed until 4:00 p.m.

Robertson stated yes and in reality, Massachusetts will never be closed. It will be affected from 4:00 p.m. to 4:30 p.m. and the way that we do that is in waves of 700 we're sending off.

Schumm asked when you project them coming back.

Robertson stated the first run will be back at 4:20 p.m. and that will go all the way up to close to 5:00 p.m.

Schumm stated what about Vermont Street.

Robertson stated Vermont Street will be shut down from 7th Street to 6th Street.

Schumm stated and then New Hampshire Street, the same as Massachusetts Street.

Robertson stated New Hampshire Street will not be shut down.

Schumm stated your saying Massachusetts Street is affected between 4:00 p.m. to 4:30 p.m.

Robertson stated correct.

Schumm stated the other thing about Vermont is that handles a lot of traffic and that kind of ties up the area.

Robertson stated the plan with that is if we're going to close it down, we wouldn't be closing it down by the library. It would still allow traffic into the Library.

Schumm stated is Kentucky Street closed as well.

Robertson stated Kentucky Street is closed.

Schumm stated it seems like it going to be a hardship on the traffic patterns.

Schumm asked how long will Vermont and Kentucky Street be closed.

Robertson said Vermont and Kentucky Streets will be closed from approximately 3:00 p.m. to 5:00 p.m.

Amyx stated we visited with staff about access to and from North Lawrence and emergency vehicles. We've looked at taking care of the problem. With the last bike race, this is starting to look a lot like that flow. It concerns me a little bit about the amount of traffic that could be backed up trying to get across the bridge.

Thiel stated, as part of the event, the organizers have agreed to pay for a Fire/Medical Unit to be in North Lawrence during the times those roads would be closed. The access point would be from Fire/Medical Station No. 1 on 8th Street would be east on 8th to Massachusetts

and North on Massachusetts. There will be nothing in the roads except for participants and barricades in all of the locations where there are barricades, there would be volunteers so in any event that there is an emergency additional vehicles besides the Fire/Medical Units stationed in North Lawrence there will be personnel there too to move those vehicles and the participant will have to move out of the way for the vehicles to pass.

Amyx stated New Hampshire Street at 7th going north, is that going to be handled by volunteers? Are we going to be allowing people to go back and forth there and traffic to be stopped and released to go on to the north and will that be done by volunteers or by Police Officers.

Robertson said 7th and New Hampshire will be handled by Police and essentially everywhere there are police there will also be, we call them volunteers, but they're actually paid staff.

Amyx stated and charity involved this year.

Robertson said VanGo once again.

Schumm stated did you look at South Park? We have kind of agreed that it's okay to close Massachusetts Street from 11th Street to South Park Street.

Robertson stated South Park, from a traffic flow standpoint, it's very attractive. The concern on our part was actually damage to the park with the actual color.

Schumm stated why would there be more damage to that park than Watson Park.

Robertson stated when I was looking at it I was looking at all of the flower beds and landscaping that's involved at South Park.

Schumm stated that's the area we pretty much designated for closing Massachusetts Street. It seems to be the one that least impacts the business and the traffic flow so that's where we kind of landed after great debate about this. It seems to have worked for most people.

Robertson stated one thing that I will point out with traffic flow is that it's essentially the same pattern as we had last year with an out and back style course. Last year we started at 8th

and Kentucky and crossed 9th Street and the concern there with the Police last year was how far is 9th Street going to get backed up. The traffic flow on 9th Street is very comparable to what it is on Massachusetts Street. At no time did we have traffic backed up on 9th Street last year. It was essentially the same type of thing where we're crossing early in the race and coming back late in the race. To kind of go off past history we haven't had traffic back up on that back style course.

Amyx asked how many runners you anticipate this year.

Robertson stated 4,000.

Amyx stated if that was comparable to last year.

Robertson stated yes. Last year it was about 3,500.

Amyx stated that is a huge event bringing lots of people. We hear from quite a few business people that are trying to operate business. The additional people are additional business so there's a balance here and we need to recognize that. We appreciate the work you do in trying to bring big events to town. We're looking at the only two streets that will be totally blocked downtown. It will be Vermont and Kentucky Streets and it will be from 3:00 p.m. to 5:00 p.m. and everything else will be controlled by police officers.

Robertson said correct.

Amyx stated and they will be letting traffic through and we don't have to worry about people not being able to operate their businesses. Correct?

Robertson stated correct.

Farmer stated last year it was 8th and Tennessee going south and then it jogged over onto 17th to Kentucky and then back down Kentucky and Kentucky and Tennessee were both closed last year.

Robertson stated Kentucky and Tennessee; the entire streets were closed last year.

Farmer stated I ran in the race last year and I can vouch for what Robinson said that there was not traffic backup on 9th Street. The reason why I think you guys are looking at a different route is because of the neighbors.

Robertson stated it was that and there is so many different alley ways within Kentucky and Tennessee and you got college kids that are coming out of their apartment and have no idea what's going on. This route here, we're essentially hugging the outside boarder of East Lawrence and we're just staying on one road. It's out and back, we just split it down the middle.

Farmer stated this is a better plan than last year.

Amyx stated and East Lawrence has been involved and supportive.

Robertson stated we haven't heard anything. We do have a year-long connection with VanGo.

Mayor Amyx called for public comment.

After receiving no public comment Schumm stated I'd like to support it. I love having this stuff downtown but I think I have to pay attention to the business that is there because I know they get hurt when a street got closed off. I know it sounds very strange that you bring a bunch of extra people and you do less business but that's the truth. People who are in the Color Run are not the normal shoppers up and down the street. They're not going to buy the same things. They're going to buy some things but I get an earful from the merchants every time we close the street or an intersection and I think we work very hard to find areas like 8th Street and 7th Street between Massachusetts and Vermont and the area between the parks. I could draw a map that would work great for South Park and going back over the east where you wouldn't have near the impact that you're going to have. You're going to have traffic impact on Vermont and Kentucky and you're going to have impact on the business in and around the 600 and 700 block of Massachusetts Street. I think there's an alternative way to do this to satisfy everybody. That's what I would push for.

Amyx stated obviously we probably hear from a lot of the same neighbors in downtown and it's a hard deal. I do want to be fair, and make sure we're able to support a lot of the big events that come, but it's getting tougher and tougher just making sure you're able to do business downtown and also being able to support these particular kinds of events.

Farmer stated I don't think the onus is on us to pick favorites between bike races that are okay, runs that are not, and parades that are okay. This is a relatively short amount of time. I think it brings in more people than even the Tour of Lawrence. This brings in more participants than that. I don't think it's really fair for us to pick and choose. We need to be consistent and everyone's worked hard in coming up with this route having in mind the things that we've talked about. I think it's a good route and they're running right by the charity that they're supporting. They're willing to reimburse for the cost of the police officers if we want more traffic control there. Certainly that's something we can look at. I appreciate the impact on downtown businesses. I've not heard from one though and maybe that's just because I don't own a business downtown.

Riordan stated I think it's much better than last year, living on Tennessee I worried about getting out, emergency egress. There are a lot of little streets and this eliminates a lot of that, the route that they have because most of this goes on the north side. I don't think you're going to find any perfect route. I think this would be something that I could support and then see what happens this year, and then look at next year, but with them not blocking Massachusetts Street, I hope that mitigates the problems. That's the major street we need to not block. Granted the others would be blocked but there's ways around them. I don't think it's perfect but I think it's reasonable as a trial run.

Amyx stated as long as we understand our responsibilities to businesses, and make sure that Massachusetts Street is not blocked, make sure the access to and from North Lawrence is not compromised in any way. I think that was terrible during the last bike race. Again, there is this balance between bringing a large number of people downtown but you're

event is becoming so successful that I think maybe we look at other areas in town because it is a huge event. I don't know if this event has gotten so big that maybe it's for the trails at Rock Chalk. There's plenty of parking, space and trails. We'll see. That's for a future time.

Moved by Farmer, seconded by Riordan, to approve street event permit for the 2014 Color Run. Aye: Amyx, Dever, Farmer and Riordan. Nay: Schumm. Motion carried.

2. **Receive recommendation from the Public Incentive Advisory Committee and receive request from 9 Del Lofts, LLC, for a Neighborhood Revitalization Area for the property at 900 Delaware Street, Lawrence Kansas and consider adopting on first reading, Ordinance No. 9040, establishing the revitalization area and approving the plan.**

Tony Krsnich stated the request is a standard NRA with the extended period that matches the compliance period. If you recall with the Polar Lofts very similar in structure and mixed income development. We need an incentive. Under that circumstance we had the benefit of using State and Federal Historic tax credits. We did not feel that it was necessary to ask for a tax rebate. You will also recall the 15 year compliance period, the nature of the low income housing tax credits specifically Section 42 of the tax code. The reason why we're asking for the 15 years in this case is because the investor needs to be guaranteed that the project can keep its head above water and cash flow through the duration. I might just mention that Polar Lofts, set several national records, one in 2013 won the National Development of the Year award and one of its credentials is it was fully occupied in 11 hours. We maintained over 99% occupancy throughout the duration which is rare. With that being said the project, depending on whether you can take depreciation into effect actually lost money last year which speaks to the rent restricted nature and also the high demand for affordable housing in the area. We have 102 on the waiting list. We have over \$5 million dollars that has been awarded through the federal government and through \$400,000 through the HOME funds and an additional \$400,000 through the Federal Home Loan in the form of AHP funds of forgivable loans. This project is very well matched. The demand is definitely there and as we've talked about before it's sort of the book end if you will, from what the 9th Street corridor is and quite honestly one of the most, if

not the most important elements in the Art Place Grant in the 9th Street Corridor project which is underway in regards to the RFP.

Amyx stated would you talk about the rent restrictions and the 43 apartments that will be under the heading of affordable housing.

Krsnich stated it's a 43 unit project. A little bit over 80% of the units are rent restricted to 60% area median income or less and that's going to be in place in the form of land use restriction agreement, not only for the 15 year compliance period but also for an extended 15 year period totaling 30. This isn't a fly into town and fly out type of a deal, changing the rents overnight. This is land use restriction on the title for a total of 30 years. Although it's 60% of the area meeting income or less, were also targeting 50% and 40%. We even have one transitional unit to set aside for people that have been through a tough time trying to get back on their feet for 6 months to a year period.

Riordan stated do you have any association with the homeless shelter. When you talk about people trying to get back, do you work with them?

Krsnich stated we do. We're actually working with the Douglas County Housing Authority and although what I would consider a lead developer on the project, the general partner and partner on the project is actually Tenants to Homeowners.

Amyx stated as one of the co-chairs of the Horizon 2020 committee and the discussion we've had recently about the need for more affordable housing and the number of folks who are affected by the large percentage of their income going for rent is amazing. It's an eye opening number so I appreciate you telling us about the rent restrictions and how many are going to be in that affordable category.

Britt Crum-Cano, Economic Development Coordinator, presented the staff report on the eligibility analysis and recommendations.

Mayor Amyx called for public comment.

After receiving no public comment, Amyx stated the PIRC committee did hear this and it was recommended unanimously to the City Commission. The component of the affordable housing part of this project is one that speaks volumes. Again, being one of the chairs of Horizon 2020 I do believe that we as a community are going to hear more and more about affordable housing and something that is important is basic needs. Krsnich is doing a good job and this is a small piece. I think it's something that we do.

Farmer stated at the PIRC meeting one of the things I asked to have happen was to have staff look at San Francisco's policies that basically fast track development to provide public assistance to apartment units and other affordable housing related areas that have at least 40% rent restricted units in them. This is the 3rd thing we've heard through PIRC and from what I understand the formula was not really meant to deal with non-primary job industrial related activity. I also asked staff to look at other formulas that we might be able to look at that would provide us feedback on all of those intangible related things because the reality is if the numbers don't work, we're on the hook for people in the community saying why did you provide public assistance to something where the numbers didn't add up or work and the reality of this is affordable housing plays a large component in this and we need to be able to formulaically justify spending public money on insuring that projects like this are able to proceed with public assistance because they're going to do a great benefit for people in our community. I just wanted to say that staff's looking over that and I think there's really not a timeframe that I'm specifically looking at, but it will be interesting, hopefully at some point in the future, PIRC can hear that report and we can make a decision from there.

Amyx stated the recommendations have been very good from staff and as we look at the investment we as a community made in this particular area, we made real investment in East Lawrence neighborhood. When you look at the effects of the dollars, it's something we should all be proud of because it's powerful and I'm glad to help in this particular case.

Moved by Dever, seconded by Schumm, to conduct a public hearing on the establishment of a Neighborhood Revitalization Area at 900 Delaware Street and adopt on first reading, Ordinance No. 9040, establishing the revitalization area and approving the plan. Motion carried unanimously.

3. **Consider adopting on first reading, Ordinance No. 9026, amending City Code Section 6-1711 Mobile Food Vendors to remove the time restriction for Mobile Food Vendors and the limit on the number of Vendors that can be located on properties where the City has approved a Site Plan establishing a location for a Mobile Food Vendor as a permanent or seasonal element of the site.**

Mary Miller, Planner, presented the staff report.

Schumm stated currently there is a license that is required for a food vendor.

Miller stated currently if a person wants to run a mobile food vendor unit they must apply for a license from the City. They're also required to get a license from the state. There's a food establishment service license from the State and they would need to have both of those.

Schumm stated what is the price the license from the City?

Miller stated \$300. The State and the City both expire annually.

Schumm stated does it require proof of registration for sales tax.

Diane Trybom, Acting City Clerk, stated yes.

Riordan stated I found the answers to the questions very helpful, especially the vibrancy and the entrepreneurialism, all the good things about it. The only last thing I had concern with is wastewater and grey water. Is that to be of concern because some of these are going to be on site permanently? Should that be a concern to us and should there be any reason to worry about that on how that's disposed of because they mentioned that some of these have a place where they go drop-off all this stuff just like you would with an RV. Should we be concerned with that?

Miller stated I believe that would be addressed during the site planning phase. We always look at utilities. It would be a different form of utilities, but I think they would have to provide their plan, how they're going to manage wastewater. If they have a unit service them or

do they take it to what's typically called the commissary or servicing area regularly because it's allowed to be on the site without any limit, it could still leave for servicing. That would be addressed when they get site planned.

Riordan stated should that be in the regulations or is that something that would automatically be addressed.

Miller stated that would probably be one of the principle considerations with site planning because we look at the health and safety. That would definitely be a principle concern.

Amyx said we can just incorporate that to make sure that happens.

Scott McCullough, Planning and Development Service Director, stated that it's part of the site planning process so it's automatic.

Mayor Amyx called for public comment.

Rich Draskovich stated I moved up here over 15 years ago and I retired in 2011 after working 46 years with the Union Pacific Railroad. I rise to support the changes proposed for the food truck regulations. Through my travel during my business, I did come across many cities that had food trucks in downtown areas and around, right with brick and mortar restaurants and they seemed to work together very well. My personal interest in this new regulation, my son who is a chef in town has been cooking for over 15 years in some of the finest restaurants in California, Colorado, Florida, Texas, and for the past 4 years here in Lawrence. As all aspiring chefs they would like to have their own business. A year ago we looked into brick and mortar, but to be honest, with his financial status and the funds available, it was just almost impossible for a young chef to be able to get into any kind of brick and mortar. We then examined quite extensively and we found that this could be a viable way for him to really have his own business. After researching and asking around town, we were very fortunate here recently to get approval from a local bank to purchase a food truck and we're having it fabricated by someone local and we hoped to have that up in running in about 3 to 4 weeks. The changes in this regulation will greatly help this truck be successful in this great community. It's important

that we have these here to give our public the options and also to give our young entrepreneurs a chance to get something started.

Doug Holiday stated I'm interested in food trucks myself. I got a truck a couple of years ago, but I got ill, things had come up, and I never got my truck done. I think it's neat that you're talking about doing food trucks. One of my concerns though is that it's a level playing field for restaurants and food trucks. In my literature I sent you, making sure the safety and welfare for the citizens of Lawrence will be adhered to. There are a lot of busy hubs for food trucks such as San Antonio and San Diego. They did put in a lot of work in San Diego and they had to go back and rewrite all the food truck laws because they were competing with the brick and mortars, but that's really not here nor there, their big concern was with sanitation facilities, site plans and things like that.

Amyx stated I was just going to say yesterday, I responded to your email and Commissioner Farmer had sent it on to staff. Before you came in a minute ago, Commissioner Schumm had questioned the process because you wanted to make sure things were level and that part of our licensing process somebody asked to have all the necessary tax identification numbers and everything that goes along with that. It sounds like to me that the site plan process could be pretty thorough.

Holiday stated that's great. The other thing was having a commissary as well. If you look, Seattle, San Antonio, and San Diego, they all have commissaries. They're producing the foods and actually have different degrees of food trucks, whether they have a commissary or whether everything is done in the truck, there are certain things that have to be adhered to.

Amyx stated we asked for a whole bunch of information, we got a whole bunch of information back. It looks like we've done a pretty thorough job of answering all the questions that I had and obviously more. There are a lot of communities that have been very successful in having an ordinance that works with mobile food units. It's not like we're building something

from scratch so I think we've done everything that we possibly can to provide safeguards for the public and allow somebody to be in business.

Schumm stated the additions are well thought out and I think they answer all the concerns I had, except for one, but I think it's going to be more of a state issue than a local issue and that's the requirement of a commissary or a dedicated restaurant that has sufficient storage and food handling sanitation. When I talked to the Department of Agriculture they're a little new at the game because I don't think there's that many in the State. From my experience what happened in Seattle, after it got going, then they understood that maybe they didn't do everything exactly right up front and they had to go in and re-write some of the regulations to include either a commissary or a dedicated restaurant be sponsoring a food truck. A commissary, the way some of them work can be any kind of commercial kitchen. It could be in a school, it could be in a VFW club, it could be anything that has a license already to serve food on the premises so it's not necessarily a restaurant or commissary, it's just a facility that is capable of being licensed for commercial food presentation preparation and that may happen in the future with the State

Amyx stated you say it's a place that's capable of being licensed.

Schumm stated you would have to be coded first of all to have the ability to operate a food service operation and then so that's the capability of it and then the facility itself has to be approved for the license based on utilities, refrigeration, and heating.

Riordan stated the staff did a great job getting those questions answered and then modifying this code. I think two of the important things here, one is Oklahoma says "they help at vibrancy, sense of place, and a reason for people to come and visit". They just seem to embrace this concept. I think with all the other things that are there, you're not ever going to have a perfect regulation but I think this is good one and it certainly encourages lots of things we're trying to do which is to have some entrepreneurship, small business, it's safe, it's promoting something that people like and embrace and also, it seems to help the community

and people like it in the community and that's what I get when some of the other Commissioner's talked about Portland and some of the other places that have this. I think it's a good idea.

Moved by Dever, seconded by Riordan, to adopt on first reading, Ordinance No. 9026, amending City Code Section 6-1711 *Mobile Food Vendors* to remove the time restriction for Mobile Food Vendors and the limit on the number of Vendors that can be located on properties where the City has approved a Site Plan establishing a location for a Mobile Food Vendor as a permanent or seasonal element of the site. Motion carried unanimously.

4. Consider authorizing the Mayor to enter into an agreement with the Boys and Girls Club of Lawrence for the donation of approximately 10 acres adjacent to the site of the proposed police facility for a future teen center, contingent upon the successful sales tax referendum.

Coby Wilson, Executive Director for the Boys and Girls Club of Lawrence, stated 44 years ago at the height of the Civil Rights violence in Lawrence a young Kansas University Plumber named Bobby Lee started an organization to get boys off the streets and into something positive after school. He was relentless in his efforts and in 1972, the Boys and Girls Club of Lawrence was incorporated as part of a national movement to help keep kids safe and productive after school. The first Boys Club in Lawrence was on the corner of 10th and Massachusetts Street about 50 boys came to the club every day. In 1986, 8 year old Tamika Walker became the first girl to join the Boys Club and in 1988 we officially became the Boys and Girls Club of Lawrence, 2 years before the national organization changed its name to the Boys and Girls Club of America. Today, we serve more than 3,000 Lawrence kids. We have outstanding partnerships with the City of Lawrence, the Lawrence Public Schools, the United Way, Kansas Department of Education, and many individuals and businesses. Per capita we're one of the largest Boys and Girls Clubs in the Nation. We have clubs in 13 elementary schools and one stand-alone teen center at 15th and Haskell. We serve 63% of the public elementary students in this town thanks to a great relationship with USD 497. This relationship allows us

space in the elementary schools to do our programs but teens and middle schools don't want to stay at school all day and this is why a stand-alone teen center with transportation provided to and from schools makes sense. So what else do we do other than keep kids off the streets? We provide healthy snacks, physical activity and tutoring, mentoring, and positive interaction with young adults. According to Superintendent Rick Doll, we are part of the success of the public schools. Our focus on academic success has helped close the achievement gap for economically disadvantaged youth and kids of color. Our youth of the year program highlights high school members who have overcome obstacles to succeed academically, give back to the community and club, and work toward future goals. Lawrence has produced 5 state youth of the year champions and in 2012 Trei Dudley won the National Youth of the Year Award. We made tremendous progress but there's still a gap in our community. We serve elementary schools well but when kids need us the most in middle school we fall short. The current teen facility is small and outdated and cannot meet the needs of all the middle school kids who have graduated from our elementary program. We currently have 75 members coming daily to a facility that should hold about 50. Because the existing site is too crowded, we've had to turn teens away and have started a waiting list. Aside from our program, there are very few affordable structured programs available after school and during the summer for middle school kids. As a result, a large number of youth are going home alone after school or hanging out with friends in mostly unsupervised places. Local police report an increase in nuisance calls and criminal activity by middle school youth after school, especially on Wednesdays when middle school is released early. With the new facility, not only could we provide a safe positive place for these kids, we can make a difference in their lives. To talk more about that I would like to introduce Ajala Anavberokhai, 2013 Boys and Girls Club of Lawrence Youth of the Year. She is now a nursing student at KU and a private in the US Army Reserve.

Ajala Anavberokhai stated I grew up in the Boys and Girls Club and I attended West Junior High School. I was a 7th grader and my little brother was still in elementary school. In

going home after school by myself, wasn't an option for me. I wanted to stay involved in the Boys and Girls Club after 6th grade and I was excited about graduating to the teen site. In Junior High the Boys and Girls Club was a place that I went every day after school and where I learned to be a young adult. With activities like cooking, gym games, smart moves and go girls go the club became my favorite place to be. Having fun was not the only reason why I went, we had time to get help with our homework from our group leaders and from our teachers. If we needed access to a computer for homework assignments, the teen site made it happen. The staff at the teen site became a big part of my support system. They challenged me to go further in my education. They treated me as a young adult with responsibilities and respecting my ability to make my own decisions. They never forgot how important it was to still have fun. When I got involved with the school cheerleading squad and the track team they came out and supported me. They even managed to help me participate in the Lights On talent show. My staff taught me how to respect others as well as myself during the time period I spend with the team. Like me, many teens in Lawrence need a place after school to grow and to be all they can be. Starting middle school was hard but the Boys and Girls Club was a constant for me during this transition period. The kids that go through the Boys and Girls Club of Lawrence are amazing kids. Thank you for being a community that offers Boys and Girls Club and thank you for considering and offering this great program for more teens that need us the most.

Wilson stated the impact is there and this community needs a new teen center that can serve 5 times as many middle school and high school youth. Imagine the difference we can make with the facility staffed with youth development professionals, providing daily mentoring at an age kids most need, not just supervision, but healthy productive mentoring. We all know middle school is when kids make decisions that will impact the rest of their lives. The Boys and Girls Club helps them make the right decisions. The new center will provide after school music programs, performing arts and dance, technology, homework help, career exploration, gardening, cooking classes, exercise and sports activities. The teen center will help provide

positive outcomes but I want to highlight one outcome that I think is particularly relevant and that's improve the local economy. Knowing their kids are in a safe productive place allows parents to stay at work and be productive. In addition, we teach job skills and provide lots of first jobs to area teens who come back and serve in the elementary program. We have a great program and we have the alumni to approve it. We simply need to do it for more kids. Middle School students who've grown up in the Boys and Girls Club need to stay with us in middle school. In many ways, that's when they need us the most. Before I wrap up I want to take an opportunity to address a few questions that have come up recently. First, we're grateful to the Commission for hearing this issue early, before the vote. This gives us information so that we may know for planning purposes, earlier rather than later, whether this site is an option. Having the land secured, pending the vote and being able to tell potential donors that the City is invested in this project gives them the confidence that a plan is in place. Second, a ten acre tract will allow for plenty of outdoor space for kids and eventual expansion if needed. Our plan is to build on 5 acres but have the additional land for future needs. Third, we're conducting a fundraising feasibility study that will make recommendations regarding our ability to raise the needed funds to build and operate the center. We will only build what we can afford to operate but we want to be flexible enough to accommodate growing demand. We're perfectly comfortable with establishing an agreed upon date that which the Boys and Girls Club must break ground or return the land to the City. Four, we see a great synergy being on-site with the Police Department. Being next to the Police Department will allow our members to have a lot of positive interaction with the police, whether it's playing ball together or joint social functions. Being near the Police Department will help keep kids out of trouble. Finally, we would like to thank the City for considering this issue and more importantly for more than 40 years of support. We could not have done what we've done, what we're doing and the growth that we have gone through, without your support over the years. With your help we look forward to serving Lawrence kids for many years to come.

Riordan stated what do you estimate the needs and numbers for teens and what size of building and how many could it accommodate?

Wilson stated we did some site planning based on the needs for different types of rooms that I described earlier. To give you a sense of how many kids, we have 162 fifth graders coming to our program every day and that number drops down to 30 sixth graders from that transition from elementary to middle school. Is it reasonable to think we'll keep all 162 of those fifth graders, probably not, but you take half of them or 75 percent of them times, 6th, 7th or 8th grade, that's 4 or 5 times what we're serving right now and again, we're limited on space and we have a waiting list. We've got a dream of 30,000 square foot facility that can serve 250 kids or more on a daily basis and potentially 1,000 kids walking through that door every year.

Mayor Amyx called for public comment.

Greg Robinson stated while the endeavors and achievement of that organization are outstanding and should be supported by our community. However, it should not be supported in this process which one could argue is a veiled or an unveiled attempt to simply soften the blow of the tax issue that's really at hand. Initially this Commission had indicated that we would buy these particular acres even though we didn't need them all and that we would sell them off to give tax relief back to the taxpayer and now 6 or 7 weeks out, before the vote, we're already now giving away land that we don't even own yet. We don't even let the taxpayers speak for what it wants to do in this community before already signing a letter of intent to give it away. This is putting the cart before the horse. Their organization is absolutely outstanding. I don't have any issues with their organization; however, I do have issues with this body in doing this. In my opinion it's just simply a way to soften the taxpayers when they go to the poles, to say who can say no to the Boys and Girls Club, when this is really an issue about the Police Department. We just simply do not take into consideration the taxpayer in this issue. You might say that we punted it to the taxpayers, we want to vote on this, but yet we still got a Rock Chalk Park crammed down our throat. We didn't get to vote on that, why's that? I guess the taxpayers

can't be trusted with that vote but this one we simply put out there. It's a public infrastructure. There's a ton of different sites we can look at but yet we go with the most expensive one and I would ask the taxpayers in the community to certainly get out and vote. This is an important issue and I suggest they all get out and vote no against the police tax.

Amyx stated Greg, just so you know, 6 or 7 weeks ago we did discuss this item and the Boys and Girls Club participating in this site was discussed at that time. It has been out there.

Robinson stated thanks for the clarification.

Amyx stated I've been wrestling with this issue most of the night. As I look at this site I wanted to take into consideration of giving away or making a donation to the Boys and Girls Club. I want everyone to understand that we're still very early in this process and this has to go through an entire process. We still have to look at the site planning and everything that goes along with it. There's no decision made on the final details. One of the things I would like the Commission to discuss is, rather than gifting the land, I think that we should still remain in control of the site and if we were to do it right, I think we should do a lease arrangement on the property, that way if something were to happen, we still maintain ownership of ground and how it's to be used. We had discussions where we currently lease property to the Arts Center so we have precedence to look at that. I think that may be a way for us to consider this particular project. It is a very good project and a lot of kids that have been helped throughout time. I think it is the intention that when the sales tax vote does pass, that that is the intention of this Commission to entertain the idea of a lease agreement with the Boys and Girls Club on a portion of the property that is on McDonald Drive that would be adjacent to the Police Station.

Dever stated that's one way to look at this. It's also an opportunity for us to talk about how important this organization is and their need for the City's participation and commitment in any fund raising that would go on for them to build a bigger facility. Whether or not the sales tax referendum is successful or not, it's important for us to talk about this. We own a lot of land, in fact, part of the things Robinson eluded to, I'm very adamant about trying to soften the blow of

the cost associated with the acquisition of this land by selling land we own and parcel of this land that may be purchased in the event the referendum is successful. Really what this is talking about is the City has land whether it's this site which has been made clear to me overtime that being by the Police facility would provide an enhancement to the Boys and Girls Club as opposed to a detriment. I don't think you can say that about a lot of businesses that being sided next to a police station is the highest and best use of that property. This would be one of the best possible outcomes. However, my vote of support would be more about committing the City to helping this organization grow and to create great young people and further investment in the community. Whether or not this is about the referendum or not, for me it's about supporting the Boys and Girls Club in any 10 acres of land that would be appropriate for use in the event there was not a successful vote. We don't need to revisit this and it's important to talk about that tonight.

Amyx stated I think that an important way to look at this is that the need is here. We've had the discussion about properties we own and this dais and everything ought to be taken into consideration because we have a lot of stuff that we're not using and needs to be put back on the tax rolls. If we're able to do some things there in assisting the Boys and Girls Club or other organizations that's something to consider also. This is a very important part of our community.

Farmer stated when we first started having conversations about the need for the Boys and Girls Club down at the teen center we weren't talking about the McDonald Drive site. I had City staff put together a map of a bunch of sites and what they were zoned. I got this massive map and we spent time in my office looking at different sites. This was never part of the conversation until we started looking at the McDonald Drive site. We heard from our Police Department that that was the best site to centralize their operations and Commissioner Dever had pointed out very astutely that we had 47 acres and we didn't need to have 32 acres of free space once we built the 15 acre police facility. Naturally, our conversation morphed into a more of a "what if it were here." I'm really frustrated at all of the folks that have been critical of this

coming to the public light now because the other way that this could have been done is we could of waited until the police facility was passed. Wilson and I could have had conversations, he could have come and made a presentation the Tuesday after the City Commission meeting and every person would have said how disingenuous was it of this Commission to do things under the table like they did etc... I think that's really disingenuous of folks to do and frankly it's really frustrating to me. We've tried to offer this very publically. This is Wilson's fourth or fifth meeting that you've been here when we talked about this. We're trying to be transparent and open with people about our intentions of what we're going to do with this property and for anybody to suggest that it's to the contrary, is completely wrong and ludicrous and shame on them. I think for this particular offering, I agree actually what you had said that this is about partnering with an organization that does a tremendous amount of good for this community. We know that there are deficiencies. We know that we have a responsibility. Very few people were complaining at the City's participation in moving the homeless shelter out from downtown to where it is now. This is an opportunity for the City to partner with a non-profit that's going to help a lot of kids. Wilson can talk statistically to, "if you get them when they're young, you have a better chance at making an impact when their old," and I think your slogan is "Great Futures Start Here". Again, I just wanted to provide that background for folks to understand that these conversations really didn't start about the Hallmark property, it started far before then. We tried to be transparent, again, about this process. It's really frustrating for people to suggest otherwise because we could have done this a different way and the same people that are upset now would have been more upset that we didn't tell them what was going on if we waited until the Tuesday after the election. I feel good about how this process went down. I feel like we've been upfront with people and we have an opportunity to really make a difference. I'm very excited.

Riordan stated it's interesting that we have difficulties as a City focusing on the subject at hand. The subject is not Rock Chalk Park or other things. The subject should be the police

station when we're discussing the police station. I also find it interesting that we're criticized for having an election and not having an election. I don't think there's any other option that we have but I really think we need to focus on what's important and I think this is important, if it's the right thing to do. My biggest worry is that it looks like the wrong thing to do but I think because of what people say it looks like we're trying to create a situation where we're going to get the police station passed. Well, I think we ought to do the right thing. Several of my son's friends where he went over to their houses after school were in JDC. I found out because I'm their pediatrician. I don't think that's good. We lose these kids. If we don't do this now, every project has a beginning, middle, and an end. Unless you begin, you don't have an end. If we wait a year or two for a silly reason because it might look bad to somebody, or they don't like the way it is, or they don't like a police station so it's another reason to vote against it, well shame on them, I think that's crummy. How many kids will we lose through that? How many kids will sit in my office with shackles and if they had something like this they would be much better off. We're talking about 200 kids a year that we can turn their lives around. Why wait? I think it's something that we need to think about to focus on the issues at hand and this issue here is not the police station, this issue here is really about helping kids. It's the right thing to do. If we had other land we gave them, let's say we go north of Wal-Mart that has a cost. There is no land that I know that we've gotten that we haven't purchased. If we trade one for the other we're really fooling ourselves that that land is free. This is an excellent project. This is a project that will help kids and it's one that the reason we should have it there is because of the same reason that the police station should be there. It's a centralized location, it has a great ability through people to get there and people know that their kids are safe. It will also be near a ball field if that works out which I think that it probably will, that will promote activities outside. I think when you look at all these things that occur, sure you can come up with lots of different reasons that you can vote "for" or "against" this but, at the same time, I just want to do the right thing. To help the youth in our City and to do this in a relatively small way, it's really an important thing that we can

do. The benefits that we'll have out of this economically but, more importantly, changing people's lives is going to far out-weigh and mitigate any problems or concerns that I have about it. I've never gone to bed at night worried when I did the right thing.

Schumm stated I strongly support the Boys and Girls Club activities. I contributed money over the years. I agree with Mike Dever, I think this is generally a question of no matter what happens on the election are we going to stand for some improvements as far as a teen center goes. I believe that's a true statement and a good way to put it. What I have a concern about though is that we agreed to ask the public to vote on a police station. We did not ask to have them vote on a police station and boys club. That's the concern I have is that it's going to be looked upon as a situation where we added to the question after the fact of how we designed the original question. I've got a concern about that and I don't think it's quite fair. I don't think it's quite fair that we change the question at this point. I would like to leave it tonight that the Commission generally supports working with the Boys and Girls Club to find a place to build their teen center and let the election go the way it's going to go and then we go from there. We don't know if it's going to pass or not. I hope it's going to pass but if you don't know if it's going to pass then you're actually granting something that you may not have the right to grant and so from that aspect, I'd rather leave it just a general statement that yes, we're supportive in the future of finding a space for a teen center.

Amyx stated the statement that we would consider would be is that it is our "intent" to work with the Boys and Girls Club to find a suitable location and, obviously, the site we're looking at could be one of them but it is the intent of this Commission to assist the Boys and Girls Club to find a site.

Schumm stated that's what I support.

Dever stated from what I've heard, and Farmer knows way more because he's in more conversations, they need our support and investment regardless of what happens with the sales tax election. I think it's important for us not to have to go through this process again so they

could continue on their fundraising and that's months away from happening. I think it's important that we walk away from here without any doubt of our support, or giving our support, tonight. If Schumm feels like it's not true to the original intent, then I would support that. I just want to walk away saying that, as a Commission that we want to support the Boys and Girls Club. We believe that the donation of land as a part of that assistance is important and the location will be determined based on the events that happen in the future.

Farmer stated all I'm saying is if we get to November 11th, Wilson comes back up and we have this conversation, and we execute the lease agreement that week, every person, regardless of whether or not we do this at this piece of land or somewhere else, and ideally there's a statement from the Chief in support of having these together, Wilson has some great statistics, it's a great use for both of those, I think that people are still going to view that as being part of the deal. We've talked about a lot of stuff on this land. We've talked about if we get this land we're going to sell off the other 32 acres. Ideally, the Woody family is supportive of relocating Woody Park to this property. It's not a part of the election but if the election passes, that's probably going to happen. That's a good thing for Lawrence, Kansas. If this passes, when it passes, the Boys and Girls Club hopefully will be able to enter into an agreement with them for this property. I like the Mayor's idea about a lease and that is a good thing for Lawrence, Kansas. If the family fun center is able to work with neighborhoods in putting the family fun center in that area, and that's a need for our community, all of this stuff has been in the packets. It's not a surprise to anybody. When it actually happens, the frustrating part for me is people are going to say, well your trying to make this election about all of this other stuff, but we even had those things in there before we voted to put it on the ballot. That's what I don't really understand about this, is it has kind of been we're going to buy 47 acres and with the other 32 we're going to do those things with it and the school district being the other potential purchaser of the land. I'm just really frustrated that people are suggesting that we're trying to roll this in to make a vote more palatable. I don't think that's a part of that at all. Anybody that doesn't

understand that all of these things have been in these conversations for a long time has not been paying any attention to what we've been talking about, what we want to do to fill up that land to make it a destination. I said it probably 3 times, you come in on I-70 and get off on Exit 202 and you've got one of our largest primary job employers on the right. You have a police station, teen center, family fun center, the school district building, and a park. Welcome to Lawrence Kansas. To me that would be a great welcome mat to roll out to people. This is not something we're just discussing tonight and, the reality is, if the police facility doesn't pass, we don't get the 47 acres. First and foremost, we don't have a police facility and, secondly, we don't have any of this other stuff either. I just don't get it.

Riordan stated this is about the teen center and that's what I want to focus on. I don't think there's anything wrong with saying "we're for a teen center." I think this is the best place for it but let's say it doesn't pass. I think to have a statement tonight that says, we have some City land that we would direct staff to work with the Boys and Girls Club to get 5 to 10 acres of City owned property that we would lease to them for \$1.00 and if this doesn't pass, we'll do another piece of land so people don't have to worry. If we take it off the table and say, this is more important than that, I think that would be a direction that would show the public that we're trying to be transparent. But, at the same time, we have a need here that's been going on for quite a while and it takes away that concept of quid pro quo, or whatever you want to say, which is not going on here.

Amyx stated no matter what happens in the election, we're still in favor of a teen center.

Riordan stated right and if we say we're in favor of it, we're going to have to get them other City land. We can state that that would be our primary place to put it because I think it's the best spot.

Amyx stated we'll plan on looking at our various sites and a strong statement by this body that says it is our intent to be supportive of a teen center for the Boys and Girls Club and to be able to work to make sure that site happens is what we need to do at this point.

Corliss stated, as I understand it, what you're saying is that it's the intent of the City Commission to support a new teen center for the Boys and Girls Club of Lawrence and, as part of that, you'll be looking at the police facility site and maybe looking at other property that the city has or other property that would serve that purpose and that you're focus in the next 6 weeks is going to be winning the election on November 4th.

Schumm stated I would rather leave it a general statement that just says, "We will assist the Boys and Girls Club in finding a location for the future teen center."

Dever stated through the donation of land.

Moved by Schumm, seconded by Farmer, to support the Boys and Girls Club in finding a location for the future teen center through the donation of land. Motion carried unanimously.

5. **Considered a request to revise the Preliminary Development Plan, PDP-14-00183, for HERE @ Kansas, located at 1101 & 1115 Indiana Street to reduce total parking spaces provided for the project from 683 to 583 (all 100 spaces requested to be removed are located within the onsite parking structure) and to affirm staff's interpretation of the plan that the structure complies with the maximum height allowed per the zoning district.**

Sandra Day, Planner, presented the staff report.

Jim Heffernan, HERE Kansas LLC, stated I believe this is the 6th time I'm standing before you and I sincerely appreciate you allowing me to speak before you this evening. In preparing for tonight's meeting, I started from where it all began and re-reading the 2020 Comprehensive Plan and the Oread Neighborhood Plan. I was struck by the brevity and the simplicity of a sentence actually contained in your 2020 Plan that actually said "what was the reason of all of this planning" and it was to "express the communities desires about the future image of the community." Over the past 18 months, we've worked diligently with, almost virtually, every City department. We've worked with elements of KU staff, the County, as well as the School Board, in order to try and accomplish actually putting brick and mortar to that future image of your community. Our project, I believe, is the realization of what was actually outlined

in the Oread Neighborhood Plan several years ago which envisioned a, first of a kind, mixed use high density project. In that plan, it referenced ambitions and goals such as creating a sense of community, promoting walkability, giving value to bi-modal transportation and giving credence to projects with green thinking. As I look back at what we've worked on the last 18 months I believe HERE Kansas actually did invite the intent and the goals of both the comprehensive plan and that neighborhood plan. I mired in this idea of precedent and Webster Dictionary that it's an earlier event or action that is regarded as an example, or guide, to be considered in subsequent, similar circumstances. I believed it's those last two words that seem to be often forgotten. From our perspective, there is no similar circumstance. This is the first MU zone parcel in your City's history. HERE Kansas is unique. Our request is a 14.6% reduction in our parking. It involves the reduction of the parking deck proportion of our parking going from 577 to 477. That represents 76% of our proposed 624 beds. In discussing what the historic needs for parking are with KU and their parking department, for unsafe campus residents their historical data reveals that 60% of KU students bring their cars to campus, providing us in rough numbers a 16% buffer to that. If you dive in more deeply, what does 447 stalls mean? Well we've got 237 apartments so that equates to a slightly over 2 to 1 ratio for every apartment. If you dig deeper into that, even further. Our apartments are comprised of 1, 2, 3 and 4 bedrooms. If a 1 bed had 2 cars associated with it, obviously those 56 one bedroom units have a car to give and then the question becomes, what about those 4 bedroom units and our experience dictates that apartments like that, it is very common for colleges kids to share cars within an apartment unit. As our project gets bigger and bigger, it will behave more like the norm of the KU Student. Unlike a smaller project that is a duplex, or an 8 family, or even a 32 family the statistical probability of it acting like the norms, less than when you extrapolated out to 624 residents. Why is HERE Kansas unique? HERE Kansas is unique because of its physical size. The building represents 445,000 square feet. That will be the biggest building in your community. To give context to that, the largest building currently on KU's campus is Mallot Hall

which is 332,000 square feet and HERE Kansas is 34% larger than that. Our project consists of 1,246 lineal feet of street frontage and, also, the largest in your community. That is the equivalent of 3.5 football fields of street frontage. In addition, our parking garage whether it's 577 or 477 is the single largest privately owned parking garage in your community by a factor of about 25. The project HERE Kansas is unique because it's the first and, currently, the only parcel in your community with the MU zoning distinction. HERE Kansas is unique because of its design. We're proposing the first robotic parking garage in the State of Kansas. We're proposing the first elevated pool deck in your community. We're proposing the first parking deck completely hidden from the façade of the building. On all 1200 of those lineal feet. Besides the garage doors, you don't know that there's a parking deck, the largest privately owned parking deck in your community behind it. That's an aesthetic bar that is unprecedented in your community. The HERE project is unique in this design also, in as much as, its ground floor actually comprises 4 separate floors within the building itself. The 1st, 3rd, 4th, and 5th floors are all ground floor on this project, a truly unique design. Finally, in terms of design, it's unique because it actually more than doubles the open space requirement of your code. HERE Kansas is unique because of the economics of the project. The cost of the project is over \$70,000,000, an unprecedented amount. It's the most significant infill development project ever in your City's history. We're replacing 103 obsolete apartments with 237 state of the art apartments, plus 13,000 square feet of ground floor retail and a parking garage. This site represents, as a result, the single underutilized parcel in your community. From an economic perspective of the City, I would just say, there is probably not too many sites that would allow the construction of a 445,000 square foot building with no new public infrastructure expenditure by the City. An intangible benefit to our project, from an economic perspective, is that it helps KU, the single, largest, small support and economic engine of your community. Most public studies represent student housing. The quality, selection, or desirable student housing usually represents one of the top 10 reasons why a student actually decides on a college and intercalates to it. Per KU,

over 20,000 kids each year come to Lawrence and only a fraction of them decide to actually come here. I'm not representing that having this here would dramatically change that, but it certainly wouldn't hurt. It provides a new category, a new class of student housing, and a very highly visible location where you're not only displacing what is really tired, and in some areas pretty run down, with something that's truly remarkable by its size, design and the amenities. HERE Kansas is unique because of the circumstances of the project. How many projects so closely embody the vision of a comprehensive plan or a neighborhood plan? In the course of 9 public meetings we've had the total of 2 opposing people actually speak out against this project. One of them was one of the landowners that we currently have under control. I think you all have stated how unbelievable that is for a project as complicated, big and as involved as a project like this, how little public opposition there's been. The circumstances of the HERE Kansas project is also unique in as much as it promotes the sense of community by placing this density where both the City and KU want it to be. It promotes the walkability that is desirable to the City because it's easy to walk to campus and it's easy to walk downtown. It also promotes the objective of this multi-modal transportation. This site had unprecedented access to mass transit. Eight bus routes stop directly in front of this site and 287 buses a day, Monday through Friday, when school is in session, stop in front of this site. The distinction KU Transit collaborated is that this site has more Mass Transit access than any other off-campus site in your community. In reading through the neighborhood plan, part of why this was selected for this high density mixed use project was that it was on the edge of the neighborhood and where they wanted the density, they wanted the height to be. Another distinguishing unique circumstance of this project is how many projects are within 500 feet of a parking garage that has 818 stalls and I'm referring to the Mississippi parking garage just 500 feet to the south on Mississippi. We as developers, our development team, have developed over 10,000 beds across the country at some of the most major universities of the Country. Our collective experience of both our development team and our capital sources are saying that the need for

this parking is just not there. What I mean by that is if we only have 477 stalls, and we have 624 beds, and someone wants to rent an apartment and have a car, we won't be able to accommodate them. The market should say that they wouldn't be interested in our apartment and a portion of those apartments, 24% would be empty. We feel very confident that won't be the case.

Amyx stated one of the things we've seen, that in the past we've not been able to accommodate, that car to be on that site and it will actually end up somewhere in the neighborhood and we have cars galore. How do you take care of that problem?

Heffernan stated it's on the edge of the campus and now it's going to be surrounded by public metered parking. So to the west, you're not going to be able to get a parking space for a considerable distance, once you get past the KU campus. If you go east, you've got tremendous grade changes. It becomes very undesirable for our residents if they have to go 4 or 5 blocks to park their car. We feel so comfortable that that's not the case but, as a buffer to that, we have 818 stalls to our south and an underutilized lot to our west in the form of memorial stadiums parking structure.

Amyx stated but we're still talking about the required parking for your development and you've asked for a reduction.

Heffernan stated most projects are a fraction of this size so, statistically, if I had a duplex and both people bring their car to campus, is that representative of what people do in total? The best example that we have, the most reliable source, and I would think the most objective source of behaviors, is KU. They're saying when they have a big population, what is the real demand for parking, and they have thousands of actual students to determine this behavior, over long period of time, and they say it's actually 59.9 or 60%. That's a significant difference. There may be a reason why we're the first mixed use project in your community. The one aspect of your ordinance is that it doesn't contemplate what high density actually means to a site in a mixed use setting. It basically says if you need a parking structure. How many big

apartment buildings in your community have a parking structure? I can only think of one big one and that's on 9th and New Hampshire. One of the reasons for a MD district is it actually referenced mixed use projects to give them flexibility. Somebody, when they developed your code about mixed use project, understood the nature and, in one instance, the cost structure is incredibly inefficient. In particular in a community that's used to not paying anything for parking. If you were in a larger more metropolitan area where people were more familiar or ready to pay something for parking, it's a totally different thing, but if your community wants mixed use development, it's a lot different than having a big apartment building on 24th Street or 31st Street where they're going to just lay down more asphalt on a 3-5 acre site. It's a completely different cost metric and it flies in the face of all your other objections, such as the walkability, the sustainability and the multi-modal transportation. All of those things are saying these people don't need a car. When you're saying every one of them needs a car and they're associated with this bus route and they can walk, what are you really saying? What is more important? The reason you give us density is because it is walkable and it is near these public modes of transportation and at the same time you're saying no it's not. 100% of the kids will bring a car and that's not the case. There are not 24,000 cars at KU with the students. As our project gets bigger, it will perform more like the norm than the actual, statistical average because it's so big.

Schumm stated the question I have is why has this request surfaced now when I thought we had a final program in place that you offered us and now you're coming back to us saying we really don't want to do 524, we want to do 100 less. What changed from the last time to this time?

Heffernan stated nothing. If we go back to the first meeting minutes when we first came to our first planning meeting with City staff, we shared with them all the parking ordinances of all the major universities that we've done work with. Some of them are significant, and shared with them what we're sharing with you now, is that your parking ordinance is unique and in the

course of a mixed use project, it becomes an impediment to actually being able to finance it. There are so many expenses associated with something that derives no income. It becomes very problematic to get that done. This is nothing new, and it's certainly something that we voiced in the past, and in a project this complex there are various levels of certainty. When you develop a project like this the final set of plans will probably be close to 5 to 6 inches thick. We're not at that stage yet, we're developing cost and models all the time on things like this. This level of project and this largest building in your community is unlike anything that the private sector has done in your community in the past. If you look to the past to help justify your actions when you're creating something that's never existed before, like the MU district, something that you wanted, has been on your books for 9 years, and this is the first one. If you're going to create something different, you can use the thinking that got you here to try and say how does it fit into this widget because it's a brand new widget.

Schumm stated I feel a little bit put upon tonight by you coming back here and asking for this reduction when this is the first time I've ever heard this over the last week that the parking is not going to work for you. Prior to that, we had a fairly good discussion on the Commission and it seemed like everything was set up and ready to go in terms of the amount of parking, the amount of apartments and now we're going to revisit it. I don't understand that. I understand that it's a very complex project and you'd like to reduce the number of parking spaces but it just seems awkward to me to have to field this question right now.

Heffernan stated when a project like this gets started we start off as independent in the community of Lawrence and I hope, through the course of 18 months, working shoulder to shoulder on something like this, that we've gone beyond independence to interdependence. To understand both the community and us as a private developer are adding to the comprehensive, future vision that you want and each provides a unique piece to that. In our instance, the primary thing that we're contributing is the capacity to actually see a project like this and the funding to get it done. You all are providing the opportunity to have the canvas in which to do it.

I think both have the opportunity to have so many benefits and I hope I demonstrated the fact that this is not just an apartment building, this is truly something. It's a different class of real estate development that is unique to your community.

Amyx stated Mr. Heffernan you said that over and over again. One of the things we did look at, along with what Commissioner Schumm said, is that you have unanimous votes except for one issue and that was the incentive package. When I look at the incentive package, and even thought we had disagreement on where that was in the end, the truth in the matter was as we looked at the complete project with the analysis, and I can't help but believe there wouldn't be change in the opinion of the majority of the Commission. Maybe there's a change in what that decision was and it's not going to be but the consideration on the final outcome of what our incentives would be if we knew that the parking was going to be less.

Dever stated Schumm asked a good question. I think what's changed is we didn't vote in favor of the incentive package that they asked for, and so the financial aspect of the formula changed. We ended up going for a reduced level of incentive, which changes the numbers of the formula, thus probably necessitated him shaving parking spaces off. I think he was hoping for getting that and we did not approve the number that they asked for. We actually approved a number that was less. I don't know where that number came from but I don't think it came from him, it came from staff. The difference is we said no and I think you walked away figuring it wasn't going to work but now, with the number that was approved, maybe try to figure out some way to still do the deal. I don't know that, and I haven't talk to him, but that's just my guess. So you can either say it's correct or not.

Heffernan stated as a summarization of it, that's more accurate than not.

Riordan stated if you were to reduce the parking spots what do you do with that space?

Heffernan stated no physical exterior change to the building would take place. All of that is in the area of excavation, robotic cost, and parking structure, all of which is not seen by the public.

Riordan stated the exterior would be same.

Heffernan stated it doesn't alter anything that was visible from the exterior of the building.

Riordan stated you would dig down less.

Heffernan stated yes.

Riordan stated what you would need to charge for a one bedroom apartment to finance this.

Heffernan stated there would be a separate charge to the parking because some of these kids won't require parking, nor will they want it. For us to say, one price fits all, for every unit, would be unfair and not correct to those kids who do want to park there.

Riordan stated let's say you didn't want to have a parking spot. What are your thoughts about cost for monthly rent?

Heffernan stated I don't have a specific answer but I could put a number out. There are so many other levels of continued detail to something like this. This is just a big problem we have because when I stand before you, it's not me saying yes or no. At the end of the day, it's our capital that says yes or no to any of this and they have a lot of history, more than we do on this issue. It's not passing mustard as to why because it's their risk. We're saying we're ready to absorb the risk that these kids will still rent with us and if they still want their car in close proximity that's at all convenient to them, they won't rent with us. That's why a location like this is desirable is because they don't need cars and as education continues to get more and more expensive, having a car and not having the car payment, insurance, and gas is one of those expenses that parents and kids are readily saying, I'd rather live in a nicer place.

Amyx stated your challenge to our codes that deal with parking are based on public transportation is available via the proximity to KU and that KU is telling you that about 60% of the people that live in housing on campus has a car.

Heffernan stated correct.

Amyx stated that is the challenge.

Heffernan stated it's the economic reality of the delta.

Amyx stated in consideration of ordinances that deal with development in parking, are you aware of the 60% rule from KU.

Scott McCullough, Planning and Development Services Director, stated no, that's been some new information through this process. There are some other residential types like dormitories, fraternities, and sororities that have a little bit lesser parking requirement because they're so student based but the KU parking information is new to us.

Riordan stated the premise here is that we're over mandating parking. The parking is one to one and I'm very sensitive to this because I live next to a fraternity and I live in the Oread. Parking is a big deal but based on the information we have with a project this large, is there a reasonable thought that, from staff considerations, maybe we're requiring too much parking.

McCullough stated it's a complicated formula. When you look at our memo we try to reflect the code requirements. The residential piece is one per bedroom and they have one per ten units of guest parking to accommodate the guests that come and visit the property. Then we have some non-residential uses. The MU district does have some automatic reductions if you were deemed certain bonus points. It's negligible in a few spaces then we have allowed some sharing of parking between the uses. There is a 37 space reduction that was all code compliant starting from the top most requirement and lopped about 37 spaces off to get to the 683 number of spaces. What Heffernan is proposing all along that he believes the code may be deficient for this type of student housing based, mixed use development and frankly our code doesn't differentiate to that degree. When we built the MU district we did just use the stock parking requirement for residential development.

Heffernan stated it's not uncommon as projects get bigger they have a different ratio in most codes. It's more stringent at the smaller scale and then changes as the project gets bigger.

Amyx stated should we be considering a variance to the parking requirement or considering a change in the requirement in the MU district?

McCullough stated this is one project, and it is the first project of actual development we have at this scale, and so we could certainly look at a code amendment to address that. If you believe it's reasonable, based on all the information you have today, the code in the MD district does allow you to reduce parking requirements for a good cause. It is context sensitive and very site specific. In this case, it's very specific to the tenant base which is students. You have some information about what the mix from KU is. On the flip side, you have the Oread area and we all know about that and the challenges there. Your options would be to amend the code for a project of this type and let us look at differentiating the code, in terms of the size and scale of projects, or you also have at your disposal the code authority to reduce parking in a very specific sense.

Riordan stated I would assume because of how far this hasn't gone on that you haven't sent it out to any financial centers to look at this and been turned down but rather are afraid that if you do, that it will be turned down

Heffernan stated that's not true.

Riordan stated what is the truth?

Heffernan stated in generalities, we've had several capital sources say they're not interested.

Amyx stated just to be upfront with you, as someone who has had the opportunity for input on the parking requirements, a lot of the 1 for 1 requirement's came from me and maybe some others on this board. I didn't think I would change my mind on these requirements but you've given me food for thought. When we developed the MU code, and this was the first time I

heard about 60% of KU students bringing their cars to campus, we just used our parking standard and filled it in with MU. I must say I haven't thought about that and you have given me food for thought.

Mayor Amyx called for public comment.

Greg Robinson stated it's a beautiful development and hope it goes up. However, I have to oppose the reduction in parking spaces and echo many of the comments that you made here this evening. This is one thing you can't get wrong. If you get it wrong, this is going to be problems for decades, well past our lifetimes. There's been no discussion about using these spaces as revenue generator. Parking is a premium anywhere and if so many people are coming to KU, if he builds a hundred that he doesn't need, well he could certainly rent those out on a monthly basis because he's already indicated that many of the people in here may not even need a space. If you make him build the extra 100 per code, well then he could certainly rent it out in the paper. KU students that do have their cars, living on the west side of town, would love to be able to park that close to campus. I would dispute the numbers about the kids that come to this community with no cars because I think we see it every August. What cars show up back in this town and I would venture to guess that it's almost 90% of the kids come with cars because the community isn't what it used to be. It's not basically a square going down Iowa to 31st Street to Mass and up to 6th. This is all the way out to Wakarusa and beyond that. I would have to recommend that you guys deny the 100 space reduction and have them build it.

Candice Davis, Oread Neighborhood, stated I do want to say that I'm not always here about negative things and I very much support the Boys and Girls Club and the new Police Center so I think your comments were well taken. This is very troubling to me and I would say that, in my estimation, a lot of people maybe didn't show up about this project because, unlike this gentleman whose been involved for 18 months, looking at the neighborhood plan, and this project, I've been involved in the Oread Neighborhood for 16 years and I was also instrumental in working on our neighborhood plan so I'm familiar with that. I have confidence in the City staff

and I think a lot of us put so much time and effort into our neighborhood plan that we believed why would we have to come down and be questioning the actions of the City Commission or the City Planning Department. We believe that they would follow the neighborhood plan and especially you all know how many years we worked on parking and parking is exceedingly important. I would really question whatever that 60% means exactly. I know that the parking for instance, the freshman dorms only provide 30% of the space, the rest falls out into the neighborhood. I will tell you, just with the construction going on; I've never seen so many cars along 10th Street where I live that are just parked bumper to bumper. This project to me, 600 units, some with 4 bedrooms, if you're talking students, I think they're probably upscale students, number one. I assume they're relatively expensive apartment units. I'm assuming most of them will have cars. So, while I would love to have us being a green community and everybody is riding bikes and walking, I think the configuration of our City has lost some of that. I hope that will begin to return to some extent. My biggest concern is that you have to play fair. We have these parking codes and, as a citizen, I want to believe that I can depend on you all to follow these codes and I don't have to be looking all the time, rushing down and going "wait a second here." This to me reminds me of raising children and I think everybody with the exception of Farmer, knows what it's like. With kids you start making an exception about some rule or regulation and you count on them seeing that chink in your armor and they're coming back trying twice as hard. They have a tantrum once and you give in and then they know they just need to lengthen that tantrum a little longer. Another thing is, you wouldn't dare do one thing for one child and not another because you're always going to get, that's not fair. I just think it would be a huge mistake to tamper with our parking. We've spent years and years trying to establish something. I want to believe in our neighborhood plan, and I support this project, but I think it's important to follow the code and the people who come to make investments, play fair and follow the rules.

Dever stated I would like to validate some of the claims made this evening. Specifically, try to find out what the ratio is for students. If KU has numbers, I'd love to see them. I really don't understand where these numbers or exchange came from. I think it's important that we find that out as well before we dive into making a decision. I agree 100% that if we want this community to be what we want it to be, we need to start acting like it. If we have a rule in place, relative to certain scale developments, and were using the same scale as of a two bedroom duplex to a 600 room unit complex, with mixed use below it, they're not the same. If we don't want to change that, that's fine, but we need to make sure we analyze this thoroughly. If we want a true MU project in our community we're going to have to make sure that we have some expectations relative to height, massing, as well as density and vehicles. It's a fact, what Mr. Heffernan said about parking. It's a lot easier buying an extra acre of land, and throwing asphalt on it, and calling it good but it's impossible to find an extra acre of land in this area. We have a limited commodity. We need to utilize the resources as best we can. We make exceptions downtown. We just built an apartment complex downtown with very few parking spaces and, in fact, borrowing spaces from a garage that we already have. I'm not in favor or against this project. All of these are great points that we need to figure out whether or not we really think this site needs to be the way it is or needs to be redeveloped. If the amount of public transportation that goes by this site is not enticing enough for someone not to have a car, then I'm kind of questioning why we have public transportation. I know there are students at KU that don't have cars. I don't know how much that is and I'd like to find that out. I don't know that people who rent these places are going to not have cars. I don't know and I'm not going to sit here and make assumptions. I do know this is an opportunity to either analyze or plan and scrap it, and say we don't want MU, or we need to rethink the scale of what kind of project should go there. Maybe this is too complex of a site for our City and our codes but it's a very large investment in the community. Like I said last time, I'm not going to sneeze at a 70 million investment because we're shy 100 parking spaces. I think that's short sighted, and I don't want

to be a part of that decision, but I do think if we're going to make an exception and change the rules, maybe we need to analyze density, number of units and maybe have a sliding scale as we go up because that was a great point. We probably need to think about that in the future. I'm not trying to sway anyone's opinion I just think those are great points. I see development all the time and they're not all the same. This is a unique location and I'd like to get this right if we can.

Amyx stated what if we look at the divisions of the residential units because that's one of the things I'd really be concerned about. The 624 bedrooms would compare just that portion to other complexes that we have built in the Oread. It would have a requirement of 624 spaces somewhere on the site and how many will we have after the reductions made?

Dever stated I don't know. I'm not doing the math. I'm just talking about a higher level and I'm not talking about this project. I don't think we ever built anything this dense in the Oread Neighborhood. What I'm saying is I don't know if that is reasonable. I do know we made the Varsity House build one to one, that was on a much smaller scale than this. Although, it had several of the same physiographic restraints and costs. They still adhered to it but this is on a much grander scale, including retail. Again, I don't want to look at the past. I want to look at, do we really think this is going to work, based on our plan, and is a one to one parking scenario reasonable for this type of development if there's data out there that says that people are less likely to have a car if they choose this location. If not, then we need to stick with what works which is the one to one ratio.

Riordan stated as I sit here I think of the apartment complex next to me and I look at the vehicles that go in there and this is more of a high upscale place. To tell you the truth, I've never seen anybody walk out those gates and walk down to Massachusetts and never get Mass Transit, whether they should or not. The type of cars it was not unusual to see a Lexus or something in that category. This unit is going to have a higher scale and people with more ability to pay. I think you're going to have more cars that are there than you have with the rest

of the university. There are a lot of kids in the university that don't have a car because they can't afford it and I don't think there will be too many of these kids that can't afford a car. Maybe some will be concerned with the environment. My biggest worry is that here we have a developer, whose developed very large units before, who is saying that we don't have this right and we don't have the parking right. We also know that it occurred after we didn't give the full financing of it which affects the ability to build this. We also know that it's a situation where he has put this before bankers and they said no because it doesn't pencil out. When I look at those two aspects, they're in conflict. I looked at the place next door to me and it has 40 parking spots right now and 7 of them were empty right before I left, that was at 5:30 p.m. So, parking is important. At the same time, I'm worried that we don't have the parking correctly figured here and that's your worry too. I do have concerns when I can't get a price and he knows what the price is. I do have some concerns when this is, basically, associated with the reduction of financing and that's okay to say because this is a business. They can either build it or they can't. It does affect me when I don't get at that information because it bothers and concerns me. I have a hard time saying yes or no to this because I would like to have time to visit with staff to see if maybe the size and mass of this that he's correct with it. If he is, then we got it wrong and we're not going to get any mixed use of this size. This is an incredible project and it looks great. I want to get this right, and many times I'm pushing to get things done, but I think this is a time where I'm concerned that we don't have it right and he could be right. We've never done this before and we're okay until we get to 100 to 300 residences but when you get to 686, in this price category, are we correct, which is the key. I don't want to lose this because we made a mistake. If we're correct, and we have the parking correct, then we should say no, this was our agreement, and you should have brought this up before, and that bothers me too. I do think he brings up, very possibly, valid observations. I came here thinking this was not something I could support, and I still don't know if I can support it, but I have a sneaky situation where I think we might have this wrong.

Amyx stated I'm still looking at the residential part of this which is 624 beds and all the spaces will be 583 combined.

McCullough stated correct

Amyx stated that's the big difference which is residential except for the part Mr. Heffernon brought up that 60% of KU student bring their cars to campus. We've required on the residential portions the one for one, right or not. We would have 624 spaces on this development somewhere but with this request, it's 583 spaces.

Dever stated these are higher rent people and maybe they have an extra bedroom that nobody sleeps in and it's a den or office. We can make all these presumptions here but I don't know for sure. How many parking spaces does Naismith Hall have? I'm not aware of any private construction basically on campus this large of a piece of property where we know how people are going to behave.

Farmer stated is state property regulated by our code for the one to one parking.

McCullough stated no.

Amyx stated we've been asked to look at a reduction in the parking requirement for Mr. Heffernan's project. We either have to deal with that or defer for additional information. It is yes, no, or deferral and that's it. My recommendation, after looking at this, looking at the residential portion, and what we require everybody else that develops in the Oread Neighborhood or throughout this community, if you have one bedroom, you have a parking place. That would be the requirement. That means on the residential portion of this we don't have enough required parking based on the request of 583 units so it would require 624 units.

Dever stated you don't want me to make a motion to defer so that we can get information from staff as to whether or not any of the statements made are accurate.

Amyx stated I will go along with the deferral but I want everybody to understand that I've required everybody else that has a residential unit, that for every bedroom you have to put up a parking space. If we want to defer for more information, I'll look at that information too.

Riordan stated I would request a deferral just because this opposition is that the larger it gets, the fewer parking spots are needed and our regulations are not accurate. I would hate to see us saying no to this project, if he is right.

McCullough stated I think I understand the direction that we would want to review other cities codes, or maybe some best practice literature, to see if that supposition is correct that they're talking about with more density, the larger projects, should it be a tiered system of parking and a little bit more detail on KU's numbers.

Schumm stated I'd like to see some of the larger apartment complexes, 2 or 3. Most of them you have to register your cars otherwise they get towed. To see what the ratio is, such as Meadow Brook, because it's close to KU and Naismith dorm, regarding how many cars are there. I know there parking lot is always packed.

Heffernan stated would it be helpful if I forward the email from KU.

Amyx stated yes.

Schumm stated I would like to look at 2 or 3 like facilities around the City of Lawrence to see what their ratio is in terms of automobiles to bedrooms.

Riordan stated specifically Melrose Place. I don't know if they have that information but, if they do, that would be helpful.

Moved by Riordan, seconded by Dever, to defer the revised Preliminary Development Plan (PDP-14-00183) for HERE @ Kansas; and direct staff to gather more information for City Commission review. Motion carried unanimously.

E. PUBLIC COMMENT:

Candice Davis stated a lot of your comments make a lot of sense to look into it. My concern is that in the neighborhood there are so many dwelling units. The other thing is that those KU lots are very full, almost all the time, and it's hard to find places to park, even those lots. I'm not in on all the details of what you do but it seems to me, sometimes, there is an assumption made that the numbers don't work when different developers come forward with

their projects and say we just don't have the money or the banker won't this or that. Do you have facts to base that on or is that just that you take their word that the numbers don't work. What they are talking about is a big profit margin or a small profit margin. I'm a little concerned that there seems to be a real willingness to jump right in and say, "Well we want this to work because you're telling me those numbers aren't working out for you." Anyway, that's making an assumption.

Greg Robinson stated I raised this issue before, about point of protocol, in a sense that when we have these discussions, many times, when we make public comment, somebody runs with your thought, or twist your thought, and you don't get to stand up and say "wait, you're running with the wrong idea." I personally thought that somehow I'm against the Boys and Girls club, but I'm not. I'm a big supporter of that organization. However, my position in opposition is that it's being linked to the sales tax referendum and that is my only point. For somebody to sit there and say that, somehow, I just don't get it because I don't support that. I can stand up here and say "how could somebody who purports to be a champion of the poor support a regressive tax that hurts the poor." There's no question about that and that hypocrisy can go both ways. We don't get the opportunity to stand back up here and challenge what has been told or said out in public about this when we make those comments. So, I waited here the whole time so that I can have this public comment time. With the first agenda item you might be here for 3 hours and just to come back to revisit an issue that you could have taken care of in 30 seconds at the time it was being done. In the future maybe you guys can make it a point where you can come back and address issues other than make your one comment and have to sit down and have to live with what is said about what you commented on.

Amyx stated thanks for showing me my shortfalls in handling the meeting.

Robinson stated I'm not saying it's you Mr. Mayor. The other issue, is it okay for City employees to participate in advertising for political action committees in uniform and things of that nature?

Amyx stated I would have to ask our staff to respond to that.

Robinson said I just thought I would point out there's a friend of the Lawrence Police Department on the internet, with our officers in those videos, and I want to just bring it to the attention in case no one is aware of that. If it's not proper, then they need to pull those videos immediately.

Amyx stated we can look at that and see if there is any change needed.

Corliss said sure.

John Thornberg stated I'm a cyclist and have been cycling for about 10 years. You've had bicycle issues come before you, and I haven't participated in them, but over the years one has come up that I thought demanded that I participate in was the planning for the new public library. I felt it was very important that the city get this one right if possible. It was going to say a lot about the whole future of the City and how that most important public building accommodates, encourages, or discourages cyclists, including children. Are you aware what had transpired as a result of the plan that was put in place?

Amyx stated the plan for the library as it relates to bicycle parking.

Thornberg stated correct. Everyone, including whoever planned it, understands that it has not succeeded. What's most troubling about it is that this citizen has not been able to ascertain who makes the decision and the criteria. I've been waiting for some information from the City and I understand that the information will be in the mail today. You have a body called the Bicycle Advisory Committee. They were seated during the planning of this building and the planning for the cycle accommodations. Somehow we ended up with the situation we're in which is clearly not succeeding. Somehow the request for amendments went to them and a week ago they made 3 recommendations. I was there and I don't agree they're going to improve the situation at all. I think they're going to attenuate the problems that exist. I don't know how those recommendations get implemented or approved, whether they come to you, whether the Director of Planning agrees and they are put in place. I'm asking you to put a hold on those for

one week while I get some information out and it will come back to you either in writing, or in person, and suggest at least one alternate plan that should satisfy everyone temporarily, if not, perfectly. I don't believe that the recommendations that you're going to get are going to do that.

Amyx stated and those are the ones that are coming from the Bicycle Advisory Committee.

Thornberg stated that's right.

David Corliss, City Manager, stated we can tell you a little bit about what's going on. We're finalizing the library and we're making sure that its code compliant, that it's providing the appropriate number of bike stalls. We're also trying to make sure it works for the function of the library, the library interest, the reading garden and the donors that have done certain things. We're also trying to accommodate some of the needs of the library staff and that they're going to have bicycle parking. It is very common for site plans to be administratively adjusted in regards to where bike stalls are placed. We think we've worked out a situation, and would be happy to walk Thornberg through it, where we're going to put additional bike parking at the parking garage, whether it's been existing bike parking now. We're also going to have bike parking installed on the southwest corner of the library as well. We're also going to put some bike parking abilities on some meters near the entrance to the library.

Thornberg said I believe I'm familiar with those plans and I still make my request to put a hold on those 3 recommendations for 1 week.

Corliss stated we're not meeting next week and we're finalizing the library.

Thornberg said we're finalizing the library and we're trying to correct a failed plan that should have been in place since day one. The recommendations and the measures you're going to take, I believe, will exasperate the problem.

Corliss stated it's not the judgment of the Planning Director or the Library Director.

Thornberg said the most troubling thing about it is the process that has brought about this situation and what I'm hearing from you is that you're going to continue to run the process and exclude.

Corliss said we'll take City Commission direction but the Library Director said is it possible, as the operator of the facility, to move parking for bicycling away from the reading garden and that's what we're working on.

McCullough stated we received a request from the Library Director to adjust the site plans. There's usually a very minor amendment. It was to move some of the parking, about 5 racks in front of the entry way, to a location that was in the front of the garage on the Vermont Street side where we do have bike racks. It was also to add bike rack parking in other locations to the site. The outcome is there's more bike parking on the site, all things considered, just a little bit different location on the site that was negotiated through the amendment process. The Bicycle Advisory Committee has been very interested in this project and this did go as an update to them. Last week, or the week before, we did see their recommendation but, again, the process is really an administrative planning office process and we appreciate the input of all involved. At the end of the day, the fact that more bike racks were put on site, and some up near the entry way along the parking meters with hoops, it seemed to be a very reasonable code compliant site plan amendment.

Riordan stated are you objecting to where they are or how many there are.

Thornberg stated in the time that we have, I don't think I can inform you about this matter adequately. I had a very long extensive conversation with the Director of the Library. I understand very well what's being proposed and I'm telling you that if you follow those recommendations, you're going to exacerbate a series of problems that resulted from a failed design. In the absence of the communications from the City as to how these decisions were made, and what the criteria were, I got on the internet and found the information I needed right away. In the process, I was talking to the organization that creates communities. Lawrence is a

bronze as I understand it. That's rather important. They're aware that the City has put into place an unsuccessful set of parking facilities.

Amyx stated the final plans you disagree with and you want us to wait a week before they're put into place. Is this item going to be on our agenda or is it automatically approved though an administrative site plan.

Corliss stated you can ask that it be put on your agenda.

Amyx stated are you asking us to have it placed on our agenda for consideration?

Thornberg stated what I'm asking you to do is to only refrain from implementing those recommendations until I've received some information from the city and before your next scheduled meeting and I assume it is Tuesday. I will have given you an evaluation of those recommendations and a suggestion.

Schumm stated just put it on the next agenda.

Corliss stated we need to make sure the Library Director can speak to it because he thought it was an important issue.

Amyx stated we'll go ahead and put it on our next scheduled agenda which will be in two weeks. You'll have your plan to be included in our information.

Thornberg stated I'm going to have a suggestion but it's the process and how we got here and an evaluation of the recommendations.

Riordan stated I think I would be most interested in your recommendations. The process and those types of things are not going to be appropriate. If you disagree with the process, we can look at that, but we're not going to look at it in two weeks. We're going to look at the recommendations. We're not going to be looking at changing the code but if you have a problem with the final outcome, I would love for you to state why you have a problem with it and what it is.

Amyx stated we need that information by a week from Thursday morning.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

Riordan stated the house on Tennessee Street, could you update me on where we are.

Scott McCullough, Planning and Development Services Director, stated for about a week the contractor has been on the site working. They've called in for inspections. Essentially their plan is to shore up the foundation first, work up from there to the framing of the stories, but we've been out there several times over the last 10 days and the contractor is on site. They've poured concrete and there should be some very visible work, as I understand it, at 1321 Tennessee.

Schumm stated on October 2nd we're hosting a meal at our house for the Eutin delegation and any of you that would like to come, and if you want to bring spouses, just let me know.

H: CALENDAR:

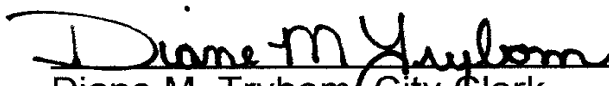
David Corliss, City Manager, reviewed calendar items

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Farmer, seconded by Schumm, to adjourn at 9:55 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON OCTOBER 28, 2014.


Diane M. Trybom (City Clerk)