



City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

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

November 18, 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, and Riordan present. Farmer and Schumm were absent.

A. RECOGNITION/PROCLAMATION/PRESENTATION:

Proclaimed November 15 – December 24, 2014 as the “Salvation Army Christmas Kettle Season”

B. CONSENT AGENDA

Commissioner Schumm arrived at 6:39.

Moved by Schumm, seconded by Riordan, to approve the consent agenda. Motion carried unanimously.

1. Approved City Commission meeting minutes from 11/11/14.
2. **PULLED FROM THE CONSENT AGENDA FOR SEPARATE VOTE.**
Approved claims to 226 vendors in the amount of \$4,759,351.78 and payroll from November 2 to November 15, 2014, in the amount of \$2,009,418.21.
3. Approved licenses as recommended by the City Clerk’s Office.

Drinking Establishment

Expiration

Prime Blu by Wasabi
Prime Blu by Wasabi LLC
619 Massachusetts St.

New License

23rd Street Roadhouse
Entertainment Solutions & Innovations Inc.
1003 East 23rd St.

May 15, 2014

Retail Liquor

Cork and Barrel November 11, 2014



South Mountain LLC
2000 West 23rd St.

Roy's Wines & Spirits November 30, 2014
Maruti Enterprises LLC
721 Wakarusa Dr. Suite 107

**Cereal Malt Beverage Renewals – Off Premise
(Pending Departmental Approvals)**

Presto No. 622	602 West 9 th St.
Presto No. 1628	1802 West 23 rd St.
Presto No. 634	2330 Iowa St.
Presto No. 635	1030 North 3 rd St.

Sidewalk Dining & Hospitality Renewals

715	715 Massachusetts St.
Papa Keno's	1035 Massachusetts St.
TCBY	845 Massachusetts St.

4. **DEFERRED bid and purchase items:**

- a) **DEFERRED** the bid for the lease for five backhoes (three for Street Division and two to the Utilities Department) to Murphy Tractor Co., for a total of \$175,896.5. Adopt on second and final reading the following ordinances:

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

- a) Ordinance No. 9052, designating 1100 Massachusetts Street, the Douglas County Courthouse, as a Landmark on the Lawrence Register of Historic Places
- b) **REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.** Ordinance No. 9053, authorized the issuance of Industrial Revenue Bonds for the HERE @ Kansas, LLC project (11th and Indiana).

6. Approved the following items related to planned City trail projects:

- a) Authorized the City Manager to sign funding agreements and begin the bidding process as outlined by the Sunflower Foundation Community Trails Grant for construction of the Burcham Park River Trail.
- b) Authorized the City Manager to sign an agreement with the Kansas Department of Wildlife, Parks & Tourism Recreational Trails Program to provide grant funding for the .7-mile trail along the Baldwin Creek pedestrian easement.

- c) Accepted Kansas Department of Transportation grant award for the Haskell Rail Trail between 23rd Street and 29th Street. The total cost of the project is \$189,575.35, with the City responsible for twenty percent (20%) or \$39,900.

7. **PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.**
Approved the Fire/Medical Department Policy on Service to Lawrence and Grant Township During Restricted Access.

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

Moved by Riordan, seconded Dever, to approve non-Rock Chalk Park related claims to 218 vendors in the amount of \$4,743,192.72, and payroll from November 2, 2014 to November 15, 2014, in the amount of \$2,009,418.21. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Nay: None. Motion carried unanimously.

Moved by Schumm, seconded by Dever , to approve Rock Chalk Park related claims to 8 vendors in the amount of \$16,159.06. Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Motion carried.

Schumm pulled consent agenda item no. 5(b) regarding Ordinance No. 9053, authorizing the issuance of Industrial Revenue Bonds for the HERE @ Kansas, LLC project (11th and Indiana), for separate discussion. Schumm stated I had previously voted against some of the parts of this program. I don't have a problem with supporting the Industrial Revenue Bond. It doesn't do much to alter the density question and the parking issues. I did vote prior to this against a subsidy to it, in terms of tax increment limit.

Corliss stated it was actually a Neighborhood Revitalization Areas which is similar.

Schumm stated I've not been supportive of the reduction of parking, but I don't have an issue with voting for this.

Amyx stated I was afraid that would happen and I was going to ask to defer because I haven't supported the bonds through this process.

Moved by Schumm, seconded by Riordan, to adopt on second and final reading Ordinance No. 9053, authorized the issuance of Industrial Revenue Bonds for the HERE @ Kansas, LLC project (11th and Indiana). Aye: Dever, Riordan and Schumm. Nay: Amyx. Motion carried.

Ted Boyle pulled consent agenda item no. 7 regarding the approval of the Fire/Medical Department Policy on Service to Lawrence and Grant Township during restricted access for separate discussion.

David Corliss, City Manager, stated the Fire Chief developed this policy a couple months back. It follows their protocols to analyze certain events, for example, the Kansas Half Marathon and determine if it's appropriate to have staffing in Lawrence, north of the river to provide emergency service to that area and Grant Township. Obviously, we provide County wide ambulance service and also provide fire service to Grant Township. Chief Bradford is here to respond to any questions that you might have. What it boils down to with the policy is to be aware of the situation and then to determine whether or not we need to have extra staffing in Lawrence, north of the river because of the possibility of a bottleneck in the downtown corridor area.

Boyle stated I would like to thank Chief Bradford for all of the hard work that he had done on this policy and also David Corliss, our City Manager. I would just like to say it's been a long time coming and finally now we'll have fire/medical protection when the bridge is restricted. I just want to thank you and thank the people that were involved.

Mayor Amyx stated thank you from the Commission.

Moved by Riordan, seconded by Schumm to approve the Fire/Medical Department Policy on Service to Lawrence and Grant Township during restricted access. Motion carried unanimously.

1. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report regarding the City receiving grant for Safe Routes to School; Bob Billings Parkway and George William Way Intersection Update; October Building Permit Reports; 2014 Bicycle and Pedestrian Counts; and, the Sports Pavilion Lawrence Usage Update.

D. REGULAR AGENDA ITEMS:

1. **Considered adopting on first reading, Ordinance No. 9041, amending STO 85(b) to include a prohibition against stopping, standing, or parking in marked bicycle lanes.**

Maria Kaminska, Assistant City Attorney, presented the staff report.

Amyx asked if there won't be signage and are we just expected to know that you can't park there.

Kaminska stated no. Currently, there is at least marking on the street and some troublesome spots we might consider putting up signage, but right now in a lot of places it's what is marked on the street.

Schumm stated this is a bike lane.

Kaminska stated yes and it would be more on point that you can't park in the bike lane.

Mayor Amyx called for public comment.

After receiving no public comment, **it was moved by Schumm, seconded by Riordan,** to adopt on first reading, Ordinance No. 9041, amending STO 85(b) to include a prohibition against stopping, standing, or parking in marked bicycle lanes. Motion carried unanimously.

2. **DEFERRED UNTIL DECEMBER 2nd. Considering a request to rezone, Z-14-00300, approximately 0.8 acres from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Commercial Center) District, located at 4101 W. 6th Street. Submitted by Doug and Berniece Garber, property owners of record. (PC Agenda Item 2; denied 9-0)**
3. **Considered authorizing staff to begin negotiations on a scope and fee with the design team of el dorado inc., for the 9th Street Corridor Project.**

Christina McClelland, Director of Arts and Culture, presented the staff report.

Amyx stated that final approval will be in the next several weeks by December 15th.

McClelland stated yes.

Dever asked how the committee was elected.

Diane Stoddard, Assistant City Manager, stated the team was a core group of people who are typically involved in RFQ committees from the City that is several representatives from Public Works. We also had Susan Tate from the Arts Center given that they're actually the recipient of the grant. We had the Dean of the School of Architecture that was the person that was suggested to include by Ms. Tate. We also had several representatives of the East Lawrence Neighborhood Association that were working on the committee. The one representative was recommended by the East Lawrence Neighborhood Association directly and then there was one member who is a board member with ELNA and they were one of our initial contacts on the project for the neighborhood. There was an individual, Mike Myers, who served on the committee and he is a resident of East Lawrence, but also had, in his line of work, particular expertise in working with design firms so he was someone that we reached out to, to be on the committee as well. Commissioner Schumm served on the committee as well and he had been involved in the work of the Cultural District Taskforce and a lot of arts related activities. Also, Marsha Hill, a property owner along the corridor. We felt that it was important to have a property owner actually touching the project along the corridor to be part of the committee too.

McClelland stated we also had John Gaunt who was the Dean of Architecture from KU.

Dever stated were there any prior concerns about the makeup of the committee previously.

Stoddard stated not any that I'm aware of recently. When we were starting to put the committee together there were concerns expressed to us from residents in East Lawrence about their representation so that's the reason why there were 3 representatives of people that lived in East Lawrence and also the property owner.

Schumm stated also, they asked that an artist be included in the committee and we expanded the committee to include David Loewenstein.

Stoddard stated Loewenstein was also serving at the request of the East Lawrence Neighborhood Association.

Riordan asked if these were open meetings

Stoddard stated no.

Corliss stated we did do something that I don't recall that we've done in a consultant selection process which was having a consultant make a presentation to interested stakeholders before it came to the Commission and that was open to the public as far as deliberations.

Stoddard stated I would also add that we did have a meeting related to the request for qualifications. It was in draft form and we had a meeting to talk about it and take input before that was finalized to go out in our regular process of soliciting firms.

Amyx stated can you give me an idea of what all is going to be talked about in the scope of the services.

Stoddard stated the project is related to the design of 9th Street. Basically, the parameters of the project are Massachusetts to Delaware in that corridor, exactly, what the project will be. It will be up to the process working with neighbors and stakeholders and having that design come before you all, but in the contract that we'll be having with the design firm, we will be working with them on setting out what the public engagement process would be which is a very important component of the project as well as their professional scope of services with their team and what we're expecting there. They have a broad team and one of the unique parts of this project is the fact that there is an Art Place Grant that was received by the Arts Center for the project and that does provide a funding for some kind of integrated art component into the infrastructure of the project. Exactly what this is, is going to be part of the design process, but one of the things that will be specified in the contract is the consultants services regarding

selecting any additional art work or working with any other artist that might be relevant to the project as that process unfolds. It will be pretty traditional scope of what our regular infrastructure projects would be with the added emphasis on public engagement and the fact we have this Art Place Grant involved.

Amyx stated as we look at the public engagement process or a portion of this, is there anything we can do in the requirements of meetings or number of meetings to be able to figure in the fee.

Stoddard stated yes. One of the things we would like to talk with the consultant team about is putting together, at the front end of the project, a very good schedule of meetings and perhaps topics that would be discussed at those meetings so that we could have at the front end of the project, publicizing those meeting dates and the topics so that anyone who is interested in being engaged would have an opportunity to attend.

Amyx stated one of the things that I've thought has been important is that we were trying to do something that was going to be a very good project, the 9th Street Corridor, but the one thing that was important, especially to me and I'm sure the rest of the Commission members, is that we don't end up somehow dividing East Lawrence into two and those kinds of things. I want to make sure that the public has adequate process to be able to meet with the design team and make sure their feelings are heard.

Stoddard stated yes and we believe that's very important too. There's a couple of things that we already setup that I thought I would mention with regard to engaging the public and encouraging a communication channel on this project and that is we have a 9th Street Corridor project portion that's been setup on the City's website. There is an email list and I know there are a number of people that already signed up for that. We've been encouraging that since that very first RFQ meeting so that we can keep people tuned into what's happening with the project and making sure their aware of meetings and the steps of things. We also did talk quite a bit with the leadership of the East Lawrence Neighborhood Association and they kind of gave us

two liaisons that are our point of contact, mine and Christina's on the project as far as helping us get information to their membership as well.

Mayor Amyx called for public comment.

Nicholas Ward stated I address you tonight as a community based artist that has done work often with small communities in numerous locations throughout the Midwest. As a leader and a facilitator and often large scale community inclusive art projects and as a long time student as civically engaged arts, I'm able to speak to what is termed "best practices" when engaging with a specific community or members of a community in relation to a project like the proposed Free State Boulevard. Before grant applications, before securing outside funding or establishing large scale plans, it is absolutely necessary and vital to first engage with the potential project host neighborhood in a manner that promotes full partnership and self-determination. Of those most important stakeholders which are, without exception in this case, the East Lawrence Neighborhood Residents. Once that has been accomplished, and only then, may there be a successful and mutually beneficial process moving forward. This particular project, I'm afraid, has begun with the cart before the horse. All of the answers, the "who" the "what" the "where" and the "when" are being provided to the neighborhood while vital questions have not been asked so I must guess at this time "why" or "why not" go forward with tonight's motion. Tonight we have before us an opportunity to set things straight, to begin this process I present a set of concerns and requests set forth by the East 9th Street Ad Hoc Committee that is made up of artist and members of the East Lawrence Neighborhood. The concerns were expressed as follows:

- A transparency of process;
- Hidden agenda and conflict of interest in the RFQ process;
- Displacement of neighborhood residents and businesses;
- Gentrification;
- Downtown invasion of the East Lawrence neighborhood;
- Rebranding of the East Lawrence Neighborhood;
- Traffic;
- Noise;
- Outsiders making decisions for the neighborhood; and,

Loss of control or self-determination by the neighborhood.

Demands that would potentially ease these concerns are as follows:

1. Transparency, including making the full Art Place proposal available. This has happened and is very much the first step in a healthy process, but transparency also includes insuring that all plans at all steps go through the Cultural Arts Commission and Historic Resources Commission processes;
2. Full participation as a project partner is another request, including making decisions about meeting times, places and agendas. Being a full partner doesn't mean being handed information once decided it's being part of making those decisions;
3. Having power in the process and developing and putting forward plans;
4. Having the power to extend processes, if plans are not suitable; and,
5. Having two East Lawrence residents to be chosen by the ELNA (East Lawrence Neighborhood Association) Board, hired as paid members of the design team going forward with this process would ensure that some of those concerns were met.

At this time, I ask you Mayor and Commissioners to consider postponing a decision on tonight's vote regarding el dorado inc. until some of these concerns are met.

Ardys Ramberg stated in 1992 I was the founder and director of an ad hoc arts event called Harvest of Arts and that included poetry, theater, dance, art work in the store fronts throughout the Riverfront Mall and the like. I, at the time, was saying that I want the words Lawrence and Florence to be interchangeable in people's minds so I do believe that there is a lot in our community to make us very pleased to go forward in a way that is full of creative expression. I was part of the Preservation Alliance Board when we made Rhode Island Street a historic district because we wanted our City to be very thoughtful as it came into our neighborhood and I've lived in our neighborhood for very close to 40 years and we have fought a highway that would divide us and it did not go through. I was president of the organization when we gave the first, I believe, grant request for the railroad station. I wanted it improved. I'm very pleased to see that it has been done so, but as I read this proposal that was brought forth, I think about the lovely people who have made this proposal even happen. I met Susan Tate, for instance, as she and I, along with many others were fighting neighborhood school closings and I

was very impressed with her, her brain and her caring for the community. When she became Director of the Arts Center, I was delighted and thought she was perfect. However, I believe that if 9th Street was near houses from her home, she would also go, “Now what exactly is going to happen here?” Now this is my tenth meeting and I’m not being paid to just pay attention because all of us, I believe, know that when commercial development and “developers” come into a neighborhood that the art people who have been there and the neighborhood feels threatened and we just want to be sure that very much care is taken as this process envelopes us.

Thomas Carmody, President of the Board of Lawrence Arts Center, stated the Board of Directors of the Lawrence Arts Center supports the process that allowed us to obtain a \$500,000 grant and provide the funds to the City for public art and design in the 9th Street Corridor project. We’ve gone to great lengths to work with all potential stakeholders in the project and have taken the unusual step of making one of our grant application public in the hope of providing even greater transparency. This is usually not done in the non-profit, highly competitive grant writing process. We support the selection by the City appointed committee under an open competitive process of el dorado, however, we would have supported any of the firms ultimately selected by the committee. We do believe that el dorado’s open public presentation last week confirms that the City appointed committee made an excellent choice among the 6 firms competing for the project. We recommend that the City enter into negotiations with them.

Gotfred Beardshear stated I’m a lifelong artist. My wife and I have been resident homeowners inside the 200 foot stakeholder’s zone of the East 9th Street Project for the last 25 years. When we came to Lawrence, we chose East Lawrence to make our own. About 6 weeks ago I read a brief statement at a meeting at New York School and which I cited that with openness, honest and respect, we could as a community create an original model for this type of activity. Unfortunately up to this point, the process, I have not observed these 3 qualities. Instead, every step in the entire process has appeared to conform to a predetermined agenda,

where all the outcomes could have been identified or predicted months, if not years ago. Where are the openness, honesty and respect in this whole process so far? I just haven't seen it. We keep hearing that all that will kick in at the next phase and neighborhood concerns will be addressed. This project including any hiring of contractors should not go forward until a real transparency and full neighborhood participation had been achieved in the whole thing. It just can't go forward like it is.

Amber Hanson stated and with great respect for the Arts Center and all that they do, I do have concerns about the project and as it's moving forward, I would like to express concerns about the recently released Art Place Project proposal and its relationship to the RFQ process. The memorandum included in last night's release of the full project proposal for the Free State Boulevard which stated and I quote, "Information about the potential design team and artist were listed as place holders, for example, possible vendors who would demonstrate the quality of possible work, a common practice in writing grant proposals." Looking through the proposal the words "still to be appointed" are in fact utilized as placeholders in the proposal. Phrased, but not only for one of the 8 project leaders stated in the grant proposal. This shows that although there was applied use of placeholder within the application, it was not for el dorado or the remaining 4 project leader submitted. It was specifically and only utilized for the position of the Director of Arts and Culture. Additional questions I have are: Why was the full proposal released now, right before the Commission is scheduled to vote? Why was there an RFQ process to hire a firm that was written into the proposal multiple times? If the full proposal had been shared with the City earlier, would they have gone forward with the RFQ process? For this reason and for many concerns I have for this project, I'm asking you to postpone your decision and to consider reopening the RFQ.

K.T. Walsh stated I just wanted to say I'm so grateful that we now have the final application so we know what we're talking about finally. I have written a lot of Arts grants and everybody pours through the grants. There's a wonderful foundation center at our public library

where you can look at all kinds of grant applications from all across the world and completed grant applications, and whose giving money, whose not, and for what. My experience is it's easy to read full grant applications so the idea that perhaps Art Place is the exception, but I just don't quite buy that so that's one thing. I'm also wondering all the other communities, and I don't know if there are 18 or 19 around the US that have Arts Place Grants now, are we really the only town that wanted to see the full application? I would be surprised. I also need to request 30 paper copies of the full application. There are 6 families in the 800 Block of New York Street who do not have computers. There's a 90 year old woman on New Jersey who asked me to get her one, she wants to read it. We need to fan them out so that everyone can have time to read them and understand what's going on. It's only been 24 hours since this came out. It's a lot to read and absorb and so I am asking that we slow down, let everybody read it, let everybody ask questions and get them answered and then we can move forward. I have just a few other questions. With all-do respect Commissioner Schumm, were you able to see the full application? Did you know that el dorado Inc., Luke Debois and San Facon were already named as project leaders? Who else knew? Did the Arts Center Board already know that and yet the community didn't? Did the City staff know that? These are questions that we need to have answered. The other applicant firms that applied, if they had been able to see the full proposal and not placeholders, but el dorado as the people that would be hired, would they have even applied, knowing what a foot in the door el dorado already had. How would the full proposal have an effect of the evaluation of firms by the RFQ committee? Those were my questions and I really hope to get them answered and I really hope you don't vote on this tonight and give the community a little bit of time.

Tony Krsnich stated I'm a developer in the Warehouse Arts District. I've not read the full proposal myself, nor was I on the selection committee. I guess one question that I have and obviously I think it is very positive as it is the 26 letters from artist and local stakeholders, but my questions is, we keep harping on the wishes of the Lawrence Arts Center or a group they

thought would be qualified. I'm still confused as to what that has to do with the 15 person selection committee. Again, the Warehouse Arts District which is the book into this project did not have anybody on that committee, but it looks like the committee itself was not only represented, but retooled to overly represent members of the East Lawrence Neighborhood Association. That's just a question I have, what does the Art Place application, and thank goodness they received the grant, but what does that application have to do with what I was told as a very objective committee that ended up selecting a couple of people that were mentioned in the Arts Place grant. As near as I can tell, the vast majority of the people on the team were not mentioned, including, but not limited to Dennis Domer so that's a question I have from someone that has not read the full application.

Sara Minges stated I'm an East Lawrence Neighborhood Association board member and I also operate a small business on Massachusetts Street. I've been very involved in this project. I really love living in East Lawrence. I just received a copy of the full application a few hours ago and I really just wanted to ask for you to give us some time to review that and to get our questions answered so that way, we could move on.

Janet Good stated I live in East Lawrence and have for many years. I'm here to take the long view of your part of this process and how East Lawrence kind of comes from a place where there's a credibility gap. Ardys mentioned the highway that was stopped. I have met some lovely people who grew up where the warehouse arts district is now who was in a neighborhood that was bulldozed. Do you know there's a history of distrust and a feeling that people would like to gentrify us out of existence? I read in the grant proposal that we're an under invested neighborhood and I think you would be hard pressed to find a more invested neighborhood if you were going by the passion of the people who live there and for the love that they have for that neighborhood. As something that you can do going forward to address the concerns of the neighbors, gentrification is the thing that I hear over and over again. With good reason, from the vast majority of the people who are paying attention of this process, getting caught up to this

process, not everybody has internet and not everybody can make it to meetings. We put a lot of time and energy into the historic preservation of the neighborhood. We knocked on doors. We worked with Dennis Domer who is working with el dorado to put together proposals to put homes in the neighborhood on the historic register. I think they're sitting on a desk somewhere. I've not seen those moving forward for years now. I get the sense that's not important to anybody but East Lawrence, it's vitally important to us. The downzoning of portions of the neighborhood back to the residential family zoning that it should be, but never has been. Those are concerns that could address some of this gentrification panic that people have with good reason. I take a long view of this and the City can work with the neighborhood and address some of those concerns and make this process feel like you care about what we as a neighborhood care about which is the people who live here and the history behind it.

John Gascon stated I'm a resident on Pennsylvania Street, less than a block away from this project. I'm writing to follow-up on a letter I sent to you, Mr. Amyx, with additional support from over 23 and counting, as I sit here people are watching and texting me, 23 residents who support this project. I want to reiterate that we believe this is a tremendous opportunity to have our neighborhood turn into something better for our children and future generations. I currently service on the Horizon 2020 Steering Committee, the Board of Zoning Appeals, and the Board of North Topeka Arts District. In my past, I worked as an architect and an artist, founded an artist community, served as president of Center of Contemporary Art and in addition, I've consulted with the Low Income Housing Institute in Seattle for several years. I'm very aware of the typical grant writing process and the important relationship between non-profit groups, City Governments and community stakeholders. It is extremely uncommon to divulge details of grant applications from private non-profit organizations. Transparency of process far exceeds my professional expectations and I'm thrilled to support this project going forward. I do not agree that ELNA or the 9th Street Corridor Ad Hoc Committee adequately represent the diverse viewpoints of East Lawrence residence as many members of their leadership had explicitly

expressed a no-growth/no-change agenda for East Lawrence and therefore, I encourage you to exercise your best judgment to move forward with this project. As a board member of the North Topeka Arts District, I find it amusing because I can confidently say that not a sole would discourage a project of this caliber in Topeka. Please do not waste this tremendous effort to put forth by the Lawrence Arts Center and all of the participants so far and move forward with this project.

Jacki Becker stated I was one of the people from the East Lawrence Neighborhood Association who were selected to be part of the team that selected el dorado and I would like to say it was an honor to be selected on that. I've been active in the cultural board that was part of the people that lead to selecting Christina to be the Cultural Director in our City and I think we've been moving forward on this process for quite a while on the east side. I think that el dorado, hands down, distinguish themselves above every other group that was interviewed. I feel when they came forth on Tuesday; they both answered a lot of questions. I think their thoughtful. I think they have taken into consideration the partnership that needs to be required to make this happen on 9th Street which is engaging, equal partnership of the East Lawrence Neighborhood and all of its residents and I feel confident el dorado will to that. I'm impressed by the group of people that they put together. I truly believe that they will absolutely involve people of the East side artist and workers to get involved in this 9th Street project and I fully support that we should move forward with el dorado on this.

Katherine Harris stated I'm an East Lawrence neighbor. I live a half block from 9th Street and I'm also on the East Lawrence board. I didn't think to count the number of neighbors I talked to in my neighborhood that also have concerns like I do. I think the neighborhood has been really clear in saying "early" and "often" that we don't want outside ideas plopped onto our neighborhood. We've been assured that East Lawrence would be full partners in this process, but suddenly the grant comes out and is released and wow, Nostradamus would be really proud of how clearly that grant application is predicting what has been happening. I've lived in East

Lawrence long enough to be cynical about processes and how clear and open they always are. I want to be clear that East Lawrence has never said we're opposed to the project and personally, I'm not opposed to el dorado. I think they're innocent by-standers in this process, but what I'm questioning is the process of how this happened. San Facon came to the Lawrence Arts Center, two years ago and made a presentation and their part of this grant. It's like there are some things that have been working their way and percolating their way through that was outside of the public presentation and process. Not that I'm opposed to el dorado, or that I'm opposed to the project, but I hope the City takes a moment to say let's step back and get some questions answered. One question I have is how did Public Works or the City know how to budget money for the street infrastructure without reading the full grant?

Sara Bishop stated I'm the Director of Grants and Special Projects at the Lawrence Arts Center. The Lawrence Arts Center is CEO Susan Tate, its staff, and the members of the board are all unflinchingly committed to providing the best resources to the Lawrence Community, including all of the many artist, residents, children, and businesses in East Lawrence. We are pleased to see that 15 person selection committee chose a talented urban design team as demonstrated by el dorado's presentation here last week. We're excited for this project which has up until now, been a private grant between a private 501C3 and private foundation. We're excited to see this project become the open public Art Center project, it was always meant to be. I hope you'll move forward with this action.

Ashley Laird stated I'm a working artist in Lawrence, East Lawrence resident, as well as have a studio space at 411 East 9th Street. This project is greatly going to affect my livelihood, I believe. Given what we know now about the application, it's apparent that there was manipulation of the selection process for the design firm and the bold full hiding of extremely important information from the public, especially from East Lawrence residents, from the City who coordinated and hosted the RFQ process and perhaps from Art Place, also, the committee of people who were asked to recommend the proposal, not already knowing that there was an

indicated preference for that. It seems there were many conflicts of interest that were not revealed. Given what we know now about the application, I don't understand how we can go through with your vote on this tonight and so I'm asking you to please not vote on this tonight. I don't know how we can move forward with confidence or trust in this process also knowing what we know now.

Aaron Paden, President of the East Lawrence Neighborhood Association, stated on this issue that you guys are actually looking at tonight we haven't had a board discussion, official discussion, so I'm speaking as myself. I like probably best what Nick said at the very beginning which is an ideal process, if we could go back in time and restart this, we would restart by doing that stakeholder process in the get go. That said, coming to where we are now in trying to build a trust that is necessary for this process to go forward, in my role as President of the East Lawrence Neighborhood Association, I've been in discussion with Susan Tate and Ben Ahlvers about the information that the neighbors would like to have. This information came out because there was an interest in having full disclosure of building that trust. I would like it to be seen that way. I don't find anything that I found in this to be something that I didn't expect or something scary or something unusual in a grant proposal. I think there are people who have different ideas of what that grant proposal process would be in different situations. I think it's different because it's a private grant, private institution. There are different standard if you're going for an NEA Grant and that kind of thing. I see that the act was in interest of creating trust and I see that whatever we can do to build that trust further and I don't know what the answer is; I think that's what's important in this process. What I've heard from my neighbors is, wait a little bit and I'm not sure why to wait, honestly. I asked and I was told by K.T. at least that I have a whole list of questions to ask. I know that Susan has said to me that she would be willing to meet with the neighborhood to answer any questions about the grant proposal. I myself have had the pleasure of getting to meet with Josh Shelton who heads el dorado architects and I wasn't part of the selection committee, but I also feel pretty strongly that they'll do an excellent job. I think

they've drawn up an excellent team. I'm excited about the process and the chance to work on this, but my neighbors who have expressed a lot of concern. I don't think anyone has said, "Let's not do this," I think what people have said is, "let's do this, but we're scared because it doesn't seem like a process that included us from the beginning."

Mike Logan stated I served on the cultural district task force with a number of city officials, East Lawrence had representation. East Lawrence held a majority of the seats on the Cultural District Task Force and we bought a recommendation to you in December and one of the key tenants of that recommendation was the hiring of the Director of Arts and Culture but also some specific plans or recommendation to improve the 9th Street Corridor. I believe that some of the baseline components with the improvements of the 9th Street Corridor, we're talking shared use pathways, ADA accessible sidewalks, low level lighting, things of those nature are just key components to any neighborhood situation. I want to say that I came to the presentation by el dorado last Thursday and I was thoroughly impressed with their explicit statements to the ambiance of pure transparency in wanting to give all stakeholders and equal opportunity to have a voice. I do believe that they will serve as that capacity. In my capacity, I would ask you to move forward with their recommendation.

Josh Shelton, Principle with el dorado architects, stated I just wanted to reflect a continued level of transparency. We did list in our qualifications to the RFQ that we had advised the Art Center for various green applications that holds true. Actually, with the release of the grant it was the first time that I got to see the final draft as well. I can tell you just to clarify the issue of "conflict of interest" we put together a different team to respond to the RFQ than was listed in the Art Place application grant. I think it could have been highly possible for one team to work on behalf of the Art Place Grant and another team to work on behalf of the actual engineering and technical execution of the design. The RFQ that came out was really focusing the Lyon's share on being able to integrate the intent of the Art Place Grant into a technical resolution. If you look at the Art Place Grant I think there was \$450,000 out of the \$500,000 that

was to be reserved for Arts Commission and administration of art. There really were sort of different scopes at play and for me I had to personally rethink the team all together so Bartlett and West was brought on as the Civil Engineer. They'll do the Lyon's share of their work as a local contractor here on the design side and also Coen + Partners and Urban Landscape Firm, I thought would be appropriate to bring on to be able to handle kind of larger scale visioning for landscaping strategies. They were never in the Art Place Grant. I just want to be clear about the delineation there. I also wanted to say, I'm ready to get to work with everybody. I've been part of a conversation now with members from lots of the stakeholder groups. I've done personal outreach. el dorado is ready to get to work and I think that when we can and when we're able to, I think we'll be able to address a lot of concerns in a very open process. We're very excited to do that. I mentioned in the presentation, I'm a two-time Lawrence resident and a two-time Kansas City resident so I've gone back and forth. Lawrence and East Lawrence are very near and dear to me and a lot of this, I'm really ready to just to roll my sleeves up and get to work with my partner on our team that we put together.

Riordan stated have you been involved with situation such as this where some of the residents are worried about changes in their living patterns and housing in the area that would be changed in a negative way in their view with something like this?

Shelton stated we've done 4 projects that are similar to this and in every case, this is the situation. Actually, I lived in the west side neighborhood of Kansas City that is entrenched in these very issues about growth and gentrification. There's a large Hispanic neighborhood in the west side. There continues to be a mixed diversity in ethnicity and economic classes in the west side. We recently did a streetscape project and all of those issues came to the forefront. The strategy was very simple, when we had stakeholder meetings, we literally didn't leave the room until we reached some kind of consensus about our next steps and sometimes the opinions were diverse enough that we had to just scale back even what the consensus was to get to the next step, but we ran, none-the-less an efficient process and we got to where we needed to get.

I live in that neighborhood. I just built a house in that neighborhood. The stakeholders that range from very grassroots to very business oriented are all my friends in that neighborhood. I worked on these in a very personal way. We've also worked on them in the crossroad district where that's another neighborhood in Kansas City that's been transitioned over the last 10 years from what was kind of an artist occupied urban area to now transitioning small, creative businesses and certainly gentrification. There had been a lot of strategies that had been put in place in the crossroads to help working artist remain there and there had been some tax policies that had been passed to help that. We've been part of all these conversations in Kansas City in our public work there.

Schumm stated the question had been posed, did I have prior knowledge to the Art Place Grant that was submitted and the answer is "no." About an hour ago is the first time I read it. I can't speak for the other members of the selection committee. I did think this selection committee did operate in a very fair and open manner. In the end, in fact, there were two firms that were marked up as being first, but the other firm had a significant amount of marks that would have allowed it to be considered as a consulting group that could do the job had el dorado accepted or not accepted. There was good competition, there as good discussion. I don't think anybody had any bias. First of all there were 6 firms selected and we pulled that to 3 and then 3 were given an hour and half interviews in which we all asked questions and made presentations. I had no preconceived idea of what was in that grant application so that's my position.

Dever stated there had been some things brought up and I think many people have made many allegations this evening about transparency, hidden agendas, the lack of forthcoming information and I appreciate and respect their concerns. If I had been mistreated in the past, I might feel very sensitive to anybody messing with my neighborhood. There's a clear mistrust, I guess would be the general term because I still have heard a specific reason why we want to stop other than, we need to stop and take a breath which I respect, but I want to get

some questions answered. I really rather not be here tonight unless we can get these answers to questions and then the answers because delaying this seems reasonable as long as there are reasonable questions that need answers. What was the intent of using el dorado's name in this document and are they the leaders in this area because of their local business. What was the reason for using a placeholder and specifically someone brought up that placeholders were used in some cases and others they were not. I understand you're a private entity. Your documents are yours and your work product and need to be respected as such. I also respect the fact you released those documents, but I need to know and understand why you used el dorado's name in this document.

Sara Bishop, Director of Grants and Special Projects at the Lawrence Arts Center, stated to apply for an Arts Place Grant, you have to submit work samples, created by an artist, you have to name an artist, and you have to submit photographs of their work. In order to do that, you have to have a specific artist that you have to mention, but it's very common for these artists to just be an example of the caliber of artists that you would include in the project. I am very confident that Art Place would not have taken back their money, had the selection committee chosen a different urban design team. They understand this is shifting and changing, that this is something where there needs to be public selection on the public selection committee. We put an exemplary team in order to get the grant, but I think there is plenty of opportunity to change that and that is something that Art Place is fine with.

Dever stated had you written other grants of this nature.

Bishop stated I have.

Dever stated have you used exact names in that instance before.

Bishop stated it's almost always required. You almost always have to submit work samples, especially for large grants. We submit work samples with that. They want to get a sense of what you're trying to do and it's really hard to do that if you don't have the artist and

you don't know what the art is going to look like. It's just an example of the caliber of art, the type of art and it's not a specific requirement that you use that team in the future.

Dever stated why did you choose el dorado as the name to put into that spot?

Bishop stated we think they're a wonderful design team and we love their work. They've received a lot of awards and they're very well-known both regionally and nationally. We thought they were a good example of the kind and the caliber of artists that we would want to bring here to do the work on 8th Street.

Dever stated by using their name, do you think that influenced the decision making process of the grant providers or can you make me understand what value el dorado added to the receipt, using their name. I presume you asked them if you could use their name in the preparation of this document.

Bishop stated we did speak with them about using their name in the preparation of the document.

Dever stated and their design examples.

Bishop stated and some work samples and photographs of some of their work, but obviously this is work they've done in other locations, it's not going to be the work that their doing here. Again, I would say the value is that they are a specific group that we were able to reach out to and it is required to have a specific name and specific work samples. We wouldn't have had a chance of getting the grant if we didn't do that. Ideally of course, we would had more of a public selection process going into the grant and really would have time to develop the grant collaboratively, engage stakeholders in the grant drafting process. Unfortunately, it's the nature of grants that they often move very quickly so you don't always have time to do that. I think the Lawrence Arts Center chose to bring these resources to the community, even in this instance which they didn't have the perfect proposal drafting process.

Dever stated who all had access to this grant prior to this selection process?

Bishop stated I'm not sure. That's a good question.

Dever stated was it a widely disseminated document.

Bishop stated I don't believe so. I think probably very few people had it. I would say Susan Tate had it, I had it and Ben had it. Probably some staff members of the Lawrence Arts Center. I would imagine a lot of stakeholders saw parts of the document. I don't know who would have seen the full final draft.

Dever asked would you not have considered Bob Schumm a stakeholder.

Bishop stated well yes, I would consider Bob Schumm a stakeholder.

Dever stated but he didn't see a copy.

Bishop stated he probably didn't see a copy of the final draft.

Schumm stated do you know if other members of the selection committee had the advantage where the knowledge of that original application.

Bishop stated I don't think so, I would say only Susan Tate would have had the knowledge of the draft.

Dever stated the use of the various names in this document, for example, I didn't hear anyone object to the use of the name Free State Boulevard.

Bishop stated there has been objection to that.

Dever stated but I didn't hear any tonight.

Bishop stated yes.

Dever stated I'm just trying to use an example for me when I read that, I said, I don't know if I like that name or not, but I'm certainly not going to consider you doing something incorrectly or improperly because you stuck a name in there that needed to be utilized. I guess my question is, this is all interchangeable and if the public, once it gets to this process, now that we have this grant and this money, you would be open to changing the name of the street, right?

Bishop stated absolutely. I think we've been referring to it as the 9th Street Corridor, not Free State Boulevard anymore.

Dever stated, but it's in there, more times than el dorado.

Bishop stated you are so right. It is a perfect example of how sometimes we put things in the grant in order to try and get the grant and track the grant, but there is flexibility once you get the grant to change the project and change the style.

Dever stated I just wanted to make sure I understood who knew about this. There had been some really serious allegations here tonight and it kind of troubles me. I get that this is a little bit unusual, but that's what happens when a private entity comes to the public, has money, and has to then go through the process of the public. My last question is what part of the grant is going to be used for the design team?

Bishop stated very little of the grant would be used by the design team in terms of implementing the design. Really, the grant did not talk at all about what the design would look like. It talked more about the process and hoping to get to that public process. It talks about having lots of meetings, the way we might engage artist through an RFQ process, but it really doesn't talk about what the final visual look of the project would be at all.

Dever stated but the \$500,000 grant, would any of those funds be used, that you received by the submission of this grant, for the action we're being asked to go out and interview the potential design firm? Are your funds that were generated by Art Place, are they going to be used for the payment of the design team.

Stoddard stated it's our understanding in talking with Ms. Tate that I believe was about \$50,000 that she had visited about that would be available from the grant funds toward the contribution of the design work in that contract. I think she had mentioned \$350,000 or so would be the art component. They are the holders of that money at this point.

Dever stated that's the private entity that has the \$500,000. I guess I wasn't clear. It never said in any of these documents if any of those funds were going to be funneled into this next step, the selection and design. I guess I wanted to make sure I understood that.

Corliss stated we did not enter into a formal agreement with the Arts Center. That would be one of the things that we could do as this proceeds as well.

Schumm stated if I'm not mistaken, right now, the grant funds sit in the Arts Center's bank account.

Corliss stated correct.

Schumm stated you've got to remember you've got a private enterprise or not-for-profit organization that interact with the private funding group and they were successful in receiving this grant. They're going to give the grant to the City to help us define and build 9th Street. You've got a lot of private parties in there, now it's maturing to the public sector. It's a little bit different than what we're use to saying.

Dever stated that's a great point, maturing to the public entity.

Schumm stated that's where the change is, that's where it opens up and the transparency has to be 100%.

Riordan stated I agree with Mike Dever in the fact that there were many allegations that were made that are troublesome because they're unfounded, their worries. Their concerns may be based on the past and I think we have to pay attention to that, but I think the most important thing is that we have a private entity that created a situation where we can improve the city and it has a private entity and being involved with RFQ's and things like this in the past, I don't see that they deviated from anything that I've ever seen in the past. A matter of fact, I think they went out of their way more so than I usually see to get representatives from the community that was represented and will be affected by this, both people who live there and were on the East Lawrence Neighborhood Association which should naturally represent this. I think there were significant efforts that were made considering that this has to be a private situation where you put out an RFQ because you can't open that up and it has to be in a closed environment and everyone I've ever seen has been in an enclose environment. I understand their difficulties and worries, at the same time I think the one thing that we can do for the future and this is why I

asked the question, is to make sure that this is transparent, now that it is a public document and now that we are doing it in a public way. I've been convinced that that will be the way in that's what they've experience in that, they've worked with people who have also had bad experiences in the past and are dedicated as professional, not to let those occur. I do think the fact that this document was released was very unusual and I commend the Arts Center for doing that because that's not something they had to do, but when you keep something secret then people worry that there's something in there that is unusual and I don't think there's anything unusual. The reason why I would delay this is not because some of the worries and the paranoia that were there that I'm not sure were well founded on fact, but by past history, but rather this is a document that just came out very quickly and in the interest of making sure that we don't rush this, that people can look at the document and if they have specific problems with the document itself, they can come forward and ask them. I would think a delay, just to let people digest this, see what's there, not rush it through so that the citizens of East Lawrence feel comfortable with the process. I don't know that we need to change anything at this point from the Commission point of view because I think everything has been done in the correct way. I think it's been done very professionally. I don't think it's been done to cause any harm to anybody in that area and the gentrification and all the questions that are going to be asked, should be mitigated and taken into appropriate consideration by the professional design team and this will be an open process from this point on and it hasn't been open because it couldn't be open because of how it was derived. I feel comfortable with the process. I do think we should allow the people who are involved to have time to digest the document, not that there's anything in there that's bad. I think there's actually probably very good information in there and will be helpful to put their worries at rest, especially after the discussions that we've had tonight, I hope.

Amyx stated let's talk conflict. My main concern was by having the name of the design team listed in the application, did it have an effect on the membership as they considered the recommendation. Bob says that nobody had that. Sara's telling me no body had that.

Schumm stated I said I didn't have that.

Amyx stated we're going to say it was held there. One of the things that I see is that there is concern here. I don't know if there's enough to stop the process as far as going through trying to design the RFQ and going this route of the scope and fee for the design team. Dave based on the comments that we have tonight; can we include certain items again into the scope for consideration by the design team?

Corliss stated Mayor; you can include anything in the scope that you think is appropriate. We haven't started work and weren't authorized to do that yet.

Amyx stated if this item is going to be back to us in two weeks, we're going to be able to look at what that scopes going to be and the expectations are the things we need to have happen, based on the comments of the neighborhood, easy as that.

Schumm stated I listen to the conversation and I find it very interesting and as many of you know I sat on the Cultural Task Force along with a number of people in the audience tonight. We spent a lot of time going over a lot these same issues. We all knew what the intent was, the intent was to get a recommendation for the City Commission so that we can hire someone so that we can go and apply for a grant and maybe be successful and work through on 9th Street. The idea that this is all a brand new things, I'm taken by surprised. I've had a little bit of trouble digesting that one right now. I've been involved in each step of the way. I've seen a fair and partial manner in which things are chosen and things are done. We had an extra person from East Lawrence on to the Task Force, after the Task Force was appointed because that person asked to be included because they represented a minority viewpoint and I said "fine, let's do that" and the Mayor at the time, Mike Dever said sure let's do that. After the committee had been chosen for the selection, East Lawrence asked that another person, an artist, that they selected be added to the committee. We said fine, let's go ahead and do that. In each of those two committees, in my opinion, have been very much over weighted, not unfairly, but over weighted, East Lawrence residency in terms of trying to maintain their values and their interest.

I don't think that, at any point, we've ever said we don't want to hear you because we really do want to hear everything they have to say and what their concerns are. I'm understanding that a number of people are dissatisfied with the way they've been listened to up to this point, but it stopped working for me because I think we've gone out of our way to listen to everybody and put more people on committees. I think that we can move ahead tonight. I've been to almost every single meeting. I was not able to go the meeting last Thursday night, but every single meeting that's been held, both East Lawrence Neighborhood Association Meetings where I've been invited and all the public process meetings. I've really tried to follow this very closely, but I think we can move ahead tonight because we're going to have this come back in a couple of weeks with the scope of services for us to approve. If we find something in that time that we don't like, we can stop it right then and there. There is a natural breakpoint coming up here and in the meantime gives everyone who wants to read the opinion or the grant application that was made public yesterday, gives them plenty of time to read that and they can ask questions at that time when it comes back to us.

Corliss stated getting the scope back in two weeks, I think is way too quick. It means it's got to be done a week from tomorrow in order to put it on the December 2nd agenda. I don't think that can happen. I also think, in fairness to all the interested parties, what we probably want to do is get the scope. The scope is going to be very important it's good to say who does what, what level of meetings we're going to have, what's the expectation for the different work items and such. I think you might want to allow that to sit out for public view for a lot longer than posting it on a Thursday for a Tuesday meeting. You might want to let it set out for a little bit longer. I don't think that that slows down this project. We're about ready to go into the holidays where sometimes it's difficult to get some of this stuff done. Hopefully, we can get the scope agreed to between the consultants and the City, that's where the contract is and then we can get it out for at least a couple a weeks for just review. If it's just up there over the weekend, I

think it might be back having comments about, it's really quick. I just don't see that it's going to be here two weeks from tonight. That means it's got to be all finalized a week from tomorrow.

Schumm stated I agree, but I guess my point was that there's another step here before we sign-up and have a formal agreement and the contract signed. If there's issue we can address them at that time. We move this along, but yet there's opportunity to interact at a later date.

Amyx stated I agree with that Bob. My only suggestion are there other things that we would like to have in that scope or are we willing to sit back, wait on staff to negotiate the scope and add things later or take things out, depending on what it is, after it goes through this public viewing process.

Schumm stated I'd just like to get the working document presented to us and then we can react to it, either "pro" or "con" add or subtract, as well as the public. There's got to be a starting point on this somewhere and I just assume staff work with the contractor and subcontractor and come up with language that we can react to.

Dever stated there were some things that were said tonight. I think Aaron hit the nail on the head. Aaron Paden, President of the East Lawrence Neighborhood Association, knows that there's some questions and he mentioned K.T. had them, I'd like her to come forward and maybe give us the questions that she wants answered as of right now or if there's really a reason. Based on what I'm reading, before I make a decision, I want to know if there's anything obvious that jumps out, other than the answers that Bob gave her. I tried to write them all down, but she said them so quick, I couldn't keep up. Since Aaron mentioned K.T. ask him to delay this I'd like to know if there's questions that jumped out at her that she's read, beyond the ones that she asked. I want to make sure that we don't move forward without the clear problem or the lack of understanding that we need to move forward with.

K.T. Walsh stated it's only been 24 hours. It's just the first questions and I will read them again, but I think there's an obvious disconnect in the room. We are asking to be full partners

and that means, we're up here, you're up here, the Arts Center's up here. We work together. The scope, the three of us work together. That's what we're talking about, we're not talking about the Arts Center and you talking all this out, we're talking about the 3 full partners talking it out.

Dever stated did Bob say the majority of the membership, other than City staff, was members of East Lawrence.

Schumm stated are you talking about the Cultural District Taskforce. I don't know if it was a majority.

Dever stated I'm sorry, the view team that just went up.

K.T. Walsh stated there were 6 City staff, weren't there, including a Commissioner?

Schumm stated the majority. Someone said majority.

Dever stated somebody else did.

K.T. Walsh stated so the majority were City employees.

Schumm stated yes. I didn't say that.

Dever stated somebody said the majority.

K.T. Walsh stated I did.

Dever stated so non-city employees.

K.T. Walsh stated can somebody read me the list? I'm sorry.

Dever stated that's okay, I'm unclear. I've heard different things and I want to make sure.

Stoddard stated do you want the list of the people that were on the review committee.

K.T. Walsh stated well one of them was Mike Myers, who we all adore. He's an East Lawrence resident, but he was representing Live Well and you can portray him as representing the Board of East Lawrence. You know what I mean? Everybody wears different hats and plays different roles so I think it's a little bit trying to trip people up by saying, hey. I think that's a rabbit hole and it doesn't need to be gone down.

Dever stated I heard it and I wasn't part of any of it. If we delay this, which you're asking us to do and I want to vote in favor of it, I want a good reason to do so because I don't want to delay something unnecessarily unless there's real good stuff here that would be gained. That's all I've heard was just wait and that's fine. I'm comfortable with waiting. I just want to make sure that waiting is going to yield some sort of beneficial result and as the person who the grant person thought was the best and the committee thought was best, he's eager to get started and start dialoguing with you and the neighborhood. That's what we want to do so please tell me, what I need to know. After Bob answered your questions, are there still huge issues out there that you need an answer.

Walsh stated there's a couple for me, Commissioner Riordan, I would not classify the concerns as simple worries. I find it interesting that people didn't hear problems or concerns because people were listing them. It just makes me wonder. Excuse me, we're coming up and we're listing them and then you say we don't have any, that's a little odd. I think it speaks to the idea that the City is doing what they always do and you have ways of doing thing, it's great and usually it's pretty wonderful, but we're kind of in lock step. We're asking you to do something really new. We're asking you to take us on as third partner, that's really new. It's not done in our culture, it's not done in the U.S., and this is new. It's not how the Arts Center does things, this is their very first public art project. They don't have experience with this, we're doing something new. We are willing to be guinea pigs with you on this project, but we must be at the table. We must be helping to write up the scope. It's where we live so I don't know how to make it any clearer and I would never be a lawyer.

Dever stated I'm sorry I put you on the spot. I just want to make sure because if we're going to wait.

Walsh stated we need to wait because its 24 hours since this big document came out. We've been yearning for it, now we have it. We need to look at it from a legal standpoint, we do. We need to look at it from a lot of angles. There's also disconnect on what some people

call “deep public engagement” and for the Arts Place Grant they would require “deep public engagement” before you wrote the grant, not after. Over and over in grants that involve East Lawrence from the Arts Center we have heard, “Yeah, grants you got to get them done, got to get them in there, sorry, short notice for meetings, that doesn’t fly, deep public engagement takes time, it makes you crazy, but you have to do it and then you’ll have a better product in the end. No one is against this project. Most people think it will be awesome if we are the third partner at the table, not giving input, not stakeholders, but a third partner. That’s why I’m asking you to slow it down.

Amyx stated how would you write something like that Dave?

Corliss stated one possibility is that we don’t begin negotiations with el dorado, but we sit down with the neighborhood and we talk about what we think should be in the scope and the list of requirements. So we’re not starting with consultant, we’re starting with the neighborhood. When we sit down we’re going to talk at an appropriate and an appropriate place. It could be an open meeting.

Walsh said it needs to be an open meeting.

Corliss stated which means that the other people that are interested in it can come.

Walsh stated absolutely.

Corliss stated if Josh wants to come that’s fine, but the discussion is with the neighborhood about what they think should be in the scope. Unless you direct us otherwise, we’re eventually going to write a contract between the City and el dorado Architects with all the sub consultants and there might be a separate agreement between the City and the Arts Center where were going to get their money and use it for the project at an appropriate time, but maybe before we do any of that, we sit down with neighborhood and we start talking about what they think should be in the scope and we can report back to the Commission. Maybe we can do that in two weeks and just sit down and talk to you all about where that is and see how we want to proceed. That’s one way to do it. That’s at least a way that gets at the issue of what’s going to

be on the scope. We know how to draft the scope for road work. We actually have a pretty good boiler plate that we say that's what you're going to use. It even has all the great things that lawyers, pardon the expression K.T., and want to put in the contract. I think that's kind of a given to some extent, I think the real issue is how are we going to involve stakeholders, and another thing we really haven't talked about at all is how are we going to involve complete street elements in the project as well which is a very key component when we went through the interviews and when we talked about it, it was obviously an interest to the neighborhood as well. Maybe the next step is to sit down with the neighborhood and have a meeting.

Amyx stated and this is why I ask the question, do we want to add anything to the scope and you asked K.T. to come forward and this is one of the things we might be looking at in addition to the scope of service.

Dever stated I want to make sure that your question is answered on how we have a 3rd team member in this process outside the Arts Center, the East Lawrence Neighborhood Association. Instead a stakeholder, how do we make them an equal partner in the process both legally, what rights they have to determine workmanship and quality. The grant money is clearly pretty much earmarked for art for the majority of it, that's one question that the neighborhood should probably weigh in on. As far as specifications of the road, specifications of the streets and complete streets design, we've already decided to abide by those guidelines. I want to make sure we can actually do what she said, which is to make the East Lawrence Neighborhood a part, not just East Lawrence Neighborhood Association, but all neighbors that live in East Lawrence, that's what I want to see happen, everyone who lives there involved.

Walsh stated we are the official neighborhood organization and we do speak for the neighborhood. We are the elected representatives. Yes, we want in, but we want to go door to door, we want everyone involved, but we are the representative body.

Dever stated right, but I want to make sure who is going to be involved in that process and if it's an open meeting then any of the east neighborhood can come and you're welcomed.

As long as it's a true representation of the neighborhood and everyone involved. I want to make sure that if we're going to designate them as a partner that we determine to do that.

Schumm stated this was a discussion at an earlier meeting at New York School and if we are indeed going to get the major partners involved in it then I'm all for that, I said that before then I don't want you to forget Downtown Lawrence. I think they're a very strong partner which needs to be involved in this process as well. If we're going to select and identify partners, I think we have at least 5, we have the City, Arts Center, East Lawrence, Downtown, and then the artisans themselves asked to be included as a group, artist that don't live in downtown or in East Lawrence. I think you've got 5 strong partners if we're going to go that route, I think we should open it up to all these people and let them be involved in this process.

Walsh stated is it appropriate for me to speak to that.

Mayor Amyx stated sure.

Walsh stated we do not recognize downtown as a partner, that seems a little silly. It's six blocks out to Delaware and it doesn't involve downtown.

Schumm stated I think it does.

That's one of the things we're going to have to work out, the 3 partners. We'll have to sort that out and there is a big fear that downtown is trying to creep again and this will become a bar district. You know we've got to talk about this stuff.

Dever stated can we let Aaron Paden speak since he's the President of East Lawrence Neighborhood Association.

Aaron Paden stated K.T. used the word "we", about the Downtown Association. I think that's inappropriate in a sense that we haven't actually fully discussed that and not had East Lawrence Neighborhood Association or neighborhood opinion on that. The worry is that downtown is different from the neighborhood and Josh said it so well on Thursday last week, that there is a change and he pointed out what was going to work in the downtown area isn't going to be the same thing that we put in the neighborhood. It's such a simple way to put it, but

after you said that, downtown should be a component as Bob put it. I think there is reaction that K.T. is sharing to having downtown in the neighborhood, because it is a neighborhood, but downtown should represent downtown and neighborhoods should represent the neighborhoods. I think that's fair, that's where people's opinion aligns with that. The other part that K.T. said very well and I think is what's really key and important is the full participation. I want to say that we've met with Bob and Susan. There was a drafting of what full participation might look like. It was given to us as a neighborhood. I just put out a near final draft to the ELNA board today. Hopefully we can get that approved and back to Susan, Diane, and Christina to look at, but that may be a document that might be included. That's what I was talking about goodwill. I see the Arts Center putting forth goodwill and trying to make sure this process gets corrected and that we start feeling like we're all working together on some of this.

Josh Shelton stated thanks for referencing that Aaron. It's so funny coming in from just 30 miles over and I come to Lawrence 2 or 3 times a week. I teach at the University as well as practice in Kansas City. If you look at the corridor block by block there really is an opportunity to have this be a very site specific project, meaning that from Connecticut, for example, to Massachusetts Street there might be whole different set of circumstances even just from New Hampshire to Massachusetts might be a different set of circumstances then from New Jersey to New York. The funny thing about all this is over the last month I've seen so much positioning happening from different stakeholders and when I look at it, I see downtown as huge amenity to East Lawrence and East Lawrence is a huge amenity to downtown, that there's actually like something that's very connected in that tissue that we would love to tease that out. We would love to get to the part of the process where we start to talk about like what we do for each other as different stakeholder groups. As I go east to Delaware, I see like these amazing things happening in this adaptive reuse in these warehouses where's there is a small business incubator. There's affordable housing adaptive reuse, there's a gallery for arts, there's a Cedco, sort of a collective of emerging artist. I think to myself what an amenity for the neighborhood

and once again, how much of an amenity East Lawrence is to the emergence of this warehouse arts district so for us and our team, like when we walk the corridor and we spend time talking to people, that's what's going through our heads is like the opportunities are abundant. There right in front of us. Up to this point, I heard a lot of fears and those do have to be addressed before we can get to the opportunities. I don't necessarily see it as downtown invading East Lawrence nor do I see it as East Lawrence shutting the door on downtown. I see a lot more opportunity to create those connections in a block by block strategy of what's appropriate for each block.

Riordan stated I think the discussion is very helpful. I think there were concerns about the way this was done and I think the way it was done was very appropriate. To modify it at this point, to get the input of the East Lawrence citizens, to help us focus on the next step, will be a very good thing. I don't think we should go back and say, let's look at how we pick this, how we started this, how we did this, I think we look at this and say "knowing that we're going forward, how do we make this more transparent and make it something that would work for East Lawrence and for the downtown and for the citizens of Lawrence and not go back from where we started from and try to dismantle it, but to say how can we make it the best project because I think it is a good project." There are some people that might not want to change it all, but I think the changes here can be done in a really good way and the more I hear from the architect, the more I think they made a good decision. I think to allow some time would be a good idea on several bases.

Amyx stated the way I see it, after listening to all of this, I think el dorado is probably the group to consider for the design team. Now comes the process of what will be included in the scope, the partnership, and if downtown is included. I don't really care who's involved in that. My main concern is what we're going to do because the street runs through East Lawrence and we got to make it right. Once it's in, it's in for a long time. If we go through the process suggested by the City Manager, write and negotiate the scope of services and put that information out there for a two week period, it's not going to be back to us for a month anyway.

My recommendation is that we direct staff to begin negotiations, but specifically talk about the scope of services and the fee, specifically including East Lawrence, DLI and whoever through an open process for people's input and partners in these negotiations.

Stoddard stated we'll work with Aaron Paden on getting a date for a meeting and having this discussion.

Dever stated so you're saying we'll wait for two weeks.

Schumm stated the question I have is do we accept el dorado as the preferred choice of consultants and then work on the scope of services with the neighborhood or do you want to put that off as well.

Amyx stated I've been convinced that el dorado is the team. I think you've got to have a design team and the recommendation is solid.

Dever stated some of the complaints this evening legitimately or otherwise were that there's a perception that there's a pre-determination. Is there any way we can work past that without moving forward to make sure people are clear? K.T. pointed out 24 hours ago the documents were released. I'm not sure what else is going to be uncovered by combing through it. I read through it in an hour and I did an assessment of my own, but I think it's only fair that the neighbors get that same chance. If this is the clinch pin of trust, I want to make sure we got trust.

Riordan stated I'm very comfortable with el dorado and what I've heard tonight. I don't mind waiting a week or two to verify that fact.

Amyx stated give me a little bit of an idea of what the process as you see it, should be.

Corliss stated it sounds like to me we're going to conduct a public meeting, but it's going to be under the opuses of East Lawrence Neighborhood Association, talk about the possible scope of the work for the 9th Street Corridor and then we're going to report back to the Commission on that meeting and then after that we will then more formally engage with el dorado to come up with a formal contract.

Dever stated because we need a scope for that negotiation process and that scope cannot be arrived at until we communicate with our partner in East Lawrence. That's kind of what I'm trying to get at is if we're really going to engage, along as it's about specifics and not about historical processes by a private entity which we had nothing to do with, let's talk about moving forward with the best possible sources of consulting and architecture in this process and make sure the scope is nailed down based on it put for our partners in East Lawrence. That's what we're supposed to authorize tonight is the scope. I don't feel comfortable authorizing that until you actually know what that scope is.

Corliss stated let's talk to the neighborhood first because one of the questions their going to ask is how does the neighborhood feel it should be involved in at least some of the details that are going through a process like this.

Dever stated all of the neighbors.

Corliss stated we know enough about the project that we can ask those questions. We don't know enough about what el dorado may think about that, but that's alright, we'll talk to the neighborhood first.

Schumm stated I certainly encourage us to include downtown in that meeting as well. Not that downtown is going to try and leach into east Lawrence and build skyscrapers down Delaware Street, it's certainly not. I think there are a couple of blocks of very important territory that they would want to have some input on.

Corliss stated we'll be sure to invite them.

Dever stated you can give direction to move forward, but I don't want to move forward until the scope of the work is determined because it says to define the scope and the fee and that's what we're approving. If we're going to negotiation a scope and if you think we can approve it and then make sure that nothing happens until we meet with the neighbors, unless the issue is still about el dorado.

Amyx stated I just want everybody to understand, I don't have a problem with el dorado, and it makes all the sense in the world. If we're going to wait, let's wait that way there's no pressure on all of us.

Dever stated fair enough.

Moved by Dever, seconded by Riordan, to defer and direct staff to meet with the East Lawrence Neighborhood Association and begin negotiations on a scope and fee with the design team of el dorado inc., for the 9th Street Corridor Project. Motion carried unanimously.

4. **Considered the following items related to Rock Chalk Park:**

- a) **Authorizing payment to RCP, LLC, in the amount of \$10,427,604 for infrastructure costs, withholding \$25,000 until punch list items are completed. Authorize payment of \$25,000 once the punch list items are completed.**
- b) **Authorizing payment to RCP, LLC, for costs exceeding the total city infrastructure cost, in the amount of \$1,000,000 from The Assist Foundation's donation.**
- c) **Authorizing the Mayor to execute a trail easement agreement with RCP, LLC for the 19.2 acres of property northwest of City-owned property at Rock Chalk Park.**

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

David Corliss stated Monte Soukup with KU Endowment has some additional information in regards to some of the lump sum soft cost.

Monte Soukup, KU Endowment Association, stated we were talking about a partnership on the last issue with 3 partners. This partnership had 5 partners so the complexity of it was tremendous. Our attorney's drafted this agreement that we all tried to live by. There's been a lot of misunderstanding about how the whole thing was put together and I would have to commend everybody that worked on this project from the City. The amount of oversight and due diligence done by the part of the City was greater than almost any project I've seen in 25 years of doing this kind of business. I hope that everybody feels like this thing was watched with great care and that these costs that City

staff is putting forward are more than justifiable, the way the deal was worked as he described. Bliss and RCP were required to submit the cost that they incurred on the project. Those costs that were paid and verified by 3rd party vendors that received that money were in excess of 13.3 million dollars to construct these improvements, with that said, that included more improvements than what was required by the development agreement. I agree with the City's stance that they did a very good review, a very thorough review of what was in the actual, original documents that should have been delivered and the cost of what those original improvements should have been or could have been based on market values. I argued with the staff, in a very professional way and I hope that they would concur on some of those items. We got down to the level of arguing about the cost of concrete, based on the kind of aggregate that was included that they said, "We didn't get quite the right aggregate we wanted, we're not going to pay the full unit cost." They reduced the cost of the project in their analysis for those kinds of things. That was the level of detail that they went to, to be the watch dog for the City and I commend them for that. Ultimately, Bliss II spent 13.3 million dollars on this project to deliver what's out there today. The way the development is written, the City will ultimately, if approved tonight, only pay 10.452 million dollars for those improvements that they'll have the benefit along with the University. As part of the process and all the hub-bub, there had been additional questions that had been asked and the Lawrence Journal World posed a couple of questions regarding some of the fees. We were able to attain that information today and I have a letter from myself here at KU Endowment, explaining some additional information. He said with that other than to say that it's been a real challenging project for a lot of people, it's been a highly successful project and if you haven't been out there, it is a fabulous project for this community and KU Endowment and RCP were glad to have been a part of it.

Amyx stated there was a question you bring up about an audit being performed and whether it was required and under the infrastructure improvement construction contract, the way I read this thing and the language I see here, is that RCP auditors will review and report.

Soukup stated that's not what I wrote.

Amyx stated I know that's what I'm reading from my notes. Was there to be an audit done?

Soukup stated if you read the infrastructure construction contract which is between RCP and Bliss Sports II, that the City was not a party to, RCP had the ability and right to audit the pay applications, the final pay application, pretty general normal contract language in a construction contract. It was straight out of AIA (American Institute of Architects) construction contract language. We had the right to do that, which we did, internally and it is not an external audit, it is called owners audit and we did thoroughly go through those numbers. If you think about KU Endowments position, we have private inurement issues with the IRS as far as we cannot overpay a private entity for work delivered without having a problem with the IRS. That's why specifically, the affidavits and lien wavers were drafted as part of this process so that all the 3rd party vendors that were paid for work, signed a specific affidavit, and those were given to the City, and reviewed as part of our internal audit. K.U. Endowment and RCP is satisfied with those costs.

Corliss stated you said as part of your audit. Is that part of your audit or is that your audit.

Soukup stated that is what we intended to be our audit.

Corliss stated so is there an audit.

Soukup stated there is not a 3rd party separate audit. We provided a letter, all the documentation and a letter to the City stating our opinion on those costs.

Corliss stated do you consider the documents that we've got your audit?

Soukup stated yes.

Corliss stated, but it wasn't looked at by a third party.

Soukup stated no.

Riordan stated one of the questions raised in the article today was with respect to the interest paid which was very nicely put down here, now we have the interest rate, whether any of that interest was occurred prior to the change from the property on the east side to the property on the west side of 6th Street.

Soukup stated I don't have that information with me, but I could probably find that out. The loan was a construction loan so Emprise Bank, which they got the construction loan from, if your familiar with construction loans you basically provide pay applications to the bank. The bank has a third party, in this case BG Consultant's, confirm that what they were asking for payment for was in place at the site and then the bank pays the bill. My inclination without looking is to say that unless there was construction in place, there were not draws on the loan. Does that make sense? Since there was never any construction on the west side, I can't imagine that there had been a draw for anything that BG Consultants, completely 3rd party group, hired by the bank would have said, "Yeah, will pay you a half million dollars for something that's not there."

Dever stated let's talk about the term audit. I think it's been thrown around lately in that your entity assessed the work that was done and evaluated the bills that were paid. The bank paid the third part which is normal construction monitoring process where there loaning money on actual work that's being conducted and so BG Consultants was hired by Emprise Bank to confirm that the work was completed. So they were really evaluating the work, not necessarily the cost of that work. I was more related to, is this work actually being carried out and does this bill match the work that

was done. They weren't probably evaluating whether or not it was a fair market cost. Correct?

Soukup stated I don't think I can answer that for BG Consultants, but in general, I would say the banks interest is not to over loan so I would think they would have been looking at the value to some extent.

Dever stated to the extent that you did, but there was clearly an oversight at that level. Several banks got into trouble in the past where they were giving money out on draws against work that either was not performed or was under performed. Since this contract was directly with I believe your entity and Bliss II.

Soukup stated RCP LLC and Bliss II.

Dever stated so those two entities reported to KU Endowment. Let me make sure I understand.

Soukup stated RCP LLC is a sole member LLC where KU Endowment is a sole member of that LLC.

Dever stated when you say RCP LLC that would be the sole source KU Endowment LLC.

Soukup stated correct, sole member.

Dever stated so I want to make sure I understand because there's been some misconceptions at least some people that I've talked to. The agreement to build the infrastructure was originally between RCP LLC and Bliss II and always had been, correct?

Soukup stated the construction contract to build the infrastructure improvements is between those two entities. The development agreement wraps that into an agreement where the City would then purchase the completed construction project from RCP LLC.

Dever stated I got it. So in purchasing it, please tell me what we bought to make sure the public understands what we're paying for this evening.

Soukup stated you bought everything that was in the infrastructure improvement document which is a defined document in the development agreement, but basically as Chuck explained, it was the streets that were in the right-of-ways, the sewers, sanitary and storm sewer, waterlines, all the 1400 plus or minus parking stalls, 8 tennis courts that were lighted, 5 kilometers of trails. Am I missing something?

Corliss stated the pad site for the recreation center.

Dever stated so it's listed, but I want to make sure we understand that this relationship was created and you basically were responsible for evaluating the cost associated with that infrastructure, even though we were going to pay for it. That was the agreement upfront, correct?

Soukup stated we contracted for that work and we had a responsibility to ourselves to monitor the cost of that construction, more in the sense that there was obviously value there being that it wasn't being overpaid. The way the contract was constructed is Bliss II has not been paid a single cent until the completion and acceptance of the project. A hundred percent of the risk lies with Bliss II and RCP LLC in the sense that if the City never accepts the project, they would never get paid.

Dever stated in return for the infrastructure, can you make sure we all understand what the future maintenance and ownership of the infrastructure is.

Soukup stated RCP LLC purchased that quarter section minus the 30 some odd acres that ran through that the City already owned which granted them as park. As part of the agreement, we develop under the infrastructure contract, the pads sites for all three projects were leveled and the pad site for the City project was built and accepted by the City and then RCP sold to the City, then the City's site, that's the 25 acres where that's the City's project and the City's part of the parking is located. So then RCP owns

basically the other half of the parking and the stadium sites where the KU improvements are. We ground lease that ground to Bliss Sports, not Bliss II, Bliss Sports which then operates the KU facilities and Kansas Athletics then leases from Bliss Sports, those facilities for their use.

Corliss stated what you also want to know is maintenance and the maintenance of the public right-of-way, the public streets is the City's responsibility. The maintenance of the parking lot on the City owned portion of the site is the City's responsibility. The maintenance of the parking lot on the other portion is KU's responsibility. KU has responsibilities for the maintenance of all of the landscaping including the landscaping on the City's site and the City has a responsibility for snow plowing the entire site, the entire parking lot. That was all set out in the agreements.

Soukup stated that was separate, RCP is not a part of that agreement. That's an agreement between the City.

Corliss stated I wanted to make sure. That was the Commissioner's question and we were trying to respond to who maintains the site.

Dever stated I think that's part of the question that I have is we've participated more so than we anticipated at the beginning of this agreement because of the guaranteed cost that we negotiated up front and the eventual cost of the rec center so we ended up paying for the City and the taxpayers ended up paying for the vast majority of the paved surfaces at Rock Chalk Park. I wanted to make sure that the maintenance thereof is going to be of the KU portion of the site is going to be KU's and/or their landlords responsibility and the spaces we needed for our rec center is going to be our responsibility. The road as normal is the City's responsibility, but that the on-going and perpetual maintenance of the grounds, of the landscaping have the area all but for snow plowing is going to be the responsibility of the entity that we're discussion payment to this evening. Is that your understanding?

Soukup stated that's my understanding.

Dever stated in all of this, there had been some questions as to the auditing process. Ultimately, your responsibility is to make sure that the construction qualities of a certain level or standard that you set forth as a tenant on that property and there's been people calling to question the quality of the workmanship and the materials. I guess I want to make sure that you as the majority user of the majority of the paved surfaces, far greater than the City's number of spaces. Are you comfortable with the work that was done? Ultimately, we're paying this bill, but ultimately you approved all of this. You've audited the materials, audited the workmanship, and I want to make sure we have a comfort of what we're buying and receiving.

Soukup stated I do, but it's because of the due diligence that the City provided on this project and the oversight. We have a certain responsibility for the level of quality, but really the City's staff carried the burden of the load on checking the quality and if it said 9 inches of thickness of concrete, it was 9 inches. If it was 8.5 inches, the City made note of that and made reduction in their evaluation, when they do their evaluation comparing the 13 million dollars to the 11.5 million dollars that they felt like was really justifiable cost. I think I said before, 25 years of doing this, I have not seen a project that had this kind of observation and diligence by staff like you guys have here. Because of that I don't think RCP as entity was required to do a lot of actual on-site observation. We don't have the capability to do that. We don't have the engineers and people that do that. We did take a hard look at the cost and we did take a look at the private issues and those kinds of things.

Dever stated that's what's confusing to many people, including myself sometimes, is the contractual relationship. The construction was with you, however, because of how things shaped up we ended up paying for the majority of that and as the ultimate user of that, our portion as well as yours. I wanted to make sure we brought up

the 13.8 million dollars' worth of expenditures. You've got private instrument standards so you evaluated those against your standards and you came up with a number closer to 13.8 million dollars and that's with the oversight that if you over pay or over estimate there are legal issues there. Can you make me understand that?

Soukup stated as Chuck said, in the initial agreement there was a 5 page spreadsheet, a list of line items and what we anticipated the cost would be per line item. So that totaled 12.268 million dollars. At the onset of the project, based on the documents that we had and the quantities that we thought we're going to install everybody believed that the unit cost would cost 12.261 million dollars. At the end of the project, Bliss II submitted documentation that showed that they paid 12.885 million dollars for those improvements and they felt there were an additional half million dollars' worth of work that they pay for additional work on the job, but when you compare 12.261 million dollars to what they paid to have the work done, it was 12.885 million dollars. When we looked at those numbers, I did a spreadsheet that had our projected costs, what they paid, what the City agreed to, based on Chuck and his staff's work and then what those differences were and we looked at those differences and where those differences were in those numbers. As we looked at that, the difference was in the scopes, 12 million dollars was so minor that we didn't feel that it was outside of the bounds of error in the estimating. There were a couple of areas obviously that stood out that had additional cost, for instance, the landscaping where Bliss II on their own decided to install about twice as many trees as were required. In the City's review they said, "We're only paying for what's required on the documents, we aren't obligated to pay for additional x number of trees." They reduced those costs and that's how you get from the 12.885 down to the 11.7 that the City staff deals with appropriate cost for what was in the original construction documents. I know it's very complicated. We looked at those costs as well and said these aren't unreasonable for them to have spent, plus we have third

party affidavits and lien waivers from vendors like Gould Evans, Kings Construction, and Qual Lighting, and Emprise Bank that say this is what we were paid for this work on this project by Bliss II. Whether he got a good deal on that or not, I can't attest to. What I can attest to is that the City looked at it and said that when we look at what we get charged on other projects, based on our experience on other projects and the exact quantities installed, this is what we think the value in the original plan was and that number is 11.6. If I want to go pay more for a Camry than somebody else wants to pay us, it's my business. It doesn't mean I got the best deal, but the person that bought it at the lower price did and that's where I see the City and based on the deal that you cut in the beginning, your obligated only to pay the 10.452 for what someone else paid 13 million plus dollars to have put in place.

Amyx stated going to the legal work on the infrastructure development, yesterday morning I met with Dave and Toni Wheeler and brought to the attention July and August of 2012. At that time, we were still working on the project, west of K-10 highway and I see \$33,000 worth of billing and we still had a project west of K-10 highway until the second week of September as I recall.

Soukup stated correct.

Amyx stated how is that we are being billed \$33,000 on legal work, on infrastructure development on a project, in my opinion, didn't exist?

Soukup stated if you look at the definition of what the legal work in the development agreement that was to be paid for by the City. It was our opinion that that fell within the definition that was in the development agreement. I can't argue with you and I would have the same question. I think that like every other line item in the spreadsheet. If the City disagrees with that, just like they did on any other line item on that spreadsheet, they should look at that, figure out what they think the right number is and reduce that 11.6 number by that appropriate amount. The City did that in their

review with every other line item, until the initial information submitted on that was not the most complete and Dave and his staff requested additional documentation and we finally got that documentation and I just don't think it got reviewed before all of this stuff went on to the website. I really think that if the City disagrees with it, they should take a look at that and make an evaluation just like they did on every other line item. Just like the information I handed you today, the staff may not have had that in time to get this posted in the agenda. Again, if you look at the definition that's in the development agreement, I think they have the right to ask for it. As long as it's above your cap, I'm not sure that it has a huge relevance to the ultimate outcome for the City. I understand that you need to look at it and be comfortable with it.

Amyx stated we agreed to a cap, there's no doubt about it. Based on the information that's provided staff, were we given the best value for the dollar or did we just pay the cap amount.

Soukup stated I think you got an extremely good value for what was installed out there. I've been in construction for 25 years. I put several billion dollars' worth of construction in place for School Districts and Universities. This is a highly unconventional way to deliver a project, there's no doubt about that. I felt like the City did a good job in negotiating that cap. You had an amount that you could spend and you negotiated a deal that allowed you to not go over that cap. If a contractor paid 13.3 million dollars to have this work put in place and you're able to buy it for 10.4 million dollars, I think you got a really good deal. Understanding that the contractor took all of the risk because if he had been under bid. If the rec center had come in at 15 million instead of 10.5, he would have had to still deliver the entire infrastructure for that same cap. Granite, he took his own destiny in his own hands, by submitting the lowest possible bid that he could submit for the rec center and you got the benefit of that. Ultimately he had to deliver the rec center, the land, the design for the rec center, the

design for the infrastructure and the entire infrastructure for 22.5 million. In my opinion, I think you got a good deal.

Corliss stated I'm still not necessarily tracking information you given this evening on the loan. Why is the interest rate based off the \$12,936,145.12?

Soukup stated the interest amount or rate.

Corliss stated as I understand it the loan balance was \$12,936,145.12.

Soukup stated that's the amount he borrowed by the end of October.

Corliss stated we don't want to pay interest costs on what he borrowed; we want to pay interest cost on just the infrastructure that we want to pay for.

Soukup stated okay.

Corliss stated why would we pay the interest cost on what he borrowed? We want to pay interest cost just based on what he borrowed to meet his contractual obligation with us for infrastructure. I don't think it ought to be the 12.9 number. I think it's the 11 number. It's not wise to make decisions on all of this because we just got this. It seems to me that it would be based on the lower. As I read the document, its infrastructure improvement cost which we now have the number for and the loan cost. We need to check all of that and again. I didn't doubt the letter from Emprise, but now that we got this, it helps us understand how we got that total amount. I don't know if that 12.9 number is the correct number. It seems to me that it ought to be our infrastructure cost, including the change orders and including what we see out there and I think it's appropriate for the Assist Foundation because that's essentially City money. You all understand that the Douglas County Community Foundation has a million dollars from the Assist Foundation that is ready to come to the City, under this agreement. I think we need to treat those expenses just as thoroughly as we should any other expenses. I don't think it gets up to 12.9 million.

Soukup stated do you want me to explain that?

Corliss stated yes, that would be helpful.

Soukup stated if you go by the letter of the development agreement. The infrastructure cost, are the cost that the contractor spent to deliver these improvements, it has nothing to do with what the City payment is. When we review this and put it through, this is what he spent on interest and this is the loan amount that that ultimately capped that in October. So that's the cost that we submitted as believing that's the cost that was included. Again, I would go back to your methodology of reviewing which you feel improvements should have cost in the open market. I think if you did that, you would go back and because this is a construction loan, he didn't go out and borrow 12.9 million dollars, he borrowed half a million dollars at his first pay application just based on that and the next pay application that was another 1.5 million and he paid interest on that so the amount kept going up. It would have only reached the 12 million dollars in the last few months of the project. So I would say if you wanted to go back and say that we want to be capped on paying for interest at the 11.6 million that we feel is appropriate, I think you could adjust that number by that amount. I can tell you that it won't amount to a tremendous number. It's probably going to be \$20,000 because it's the last 2 or 3 months of interest on the differential between the two.

Corliss stated on a construction loan, the money is delivered in tranches to the contractor, but we need to know the timing of that in order to figure out exactly how the interest rate clock works.

Soukup stated I think we can request that information.

Corliss stated I think that would be valuable to look at as well. I can see how it matters how long that money sat away from the bank. Again, we're just trying in good faith to work on it, but we're also trying to explain it all. I'd like to have the opportunity to look at this some more since we just got it this evening.

Riordan stated in the article it also discussed the \$212,535 in legal fees and what was paid to the hourly rate information.

Soukup stated that's client-attorney privileged information. As soon as they turn that over and it's not between RCP, it's between Bliss II and their attorney. They wouldn't even give me that information.

Corliss stated did we ask for it though?

Soukup stated we asked for hourly billings on a daily basis on what they did and they refused to turn it over.

Corliss stated the client could waive that, but they don't want to.

Soukup stated the client's attorney has advised him not to waive that because it opens their records.

Corliss stated we just have the desire to get the itemized bill that helps us know when it was worked on.

Soukup stated as you know they originally gave us a lump sum and we got them to break it down by month which will probably yield some analysis.

Corliss stated it has as far as when it starts.

Soukup stated I can't force them to give it to us. I don't have a contractual way of doing that. I don't think will get it.

Amyx stated on other questions. I would have based on the amount of money we're being asked to pay in legal fees. At what point did we actually have a project? Was it the time that all the agreements were signed or was it prior to that?

Corliss stated it's probably a matter of judgment. You all will recall we started this early spring of 2012. We were talking about doing a City owned project, City owned land north of the Wal-Mart. We decided that we want to look at a different opportunity to partner with someone else to do something with KU. We eventually started looking at property that was owned by the Schwada family on the west side of K-10. There were a

lot of discussions of who was doing what. We talked about are we going to own anything, are we going to lease stuff, all those types of things. We were incurring costs. We had Gary Anderson with Gilmore and Bell, our attorney that helps us on these matters. We were incurring costs as early as April 2012, but that was for the project on the west side of K-10. It was a similar sports complex, but it was not site specific. The development agreement talks about professional services attributed to the zoning, platting, plan approval and permitting of the recreation center's site in the infrastructure improvements into the negotiation of this agreement. To that extent, you could argue well that's not transferrable from one site to another. There were obviously elements of that transferrable on who was going to own what and things like that. It's probably a little bit of a mixed bag. He saying you can take it off and we have reached certain caps, but I want to be genuine on all the numbers too. That's what we're trying to get at. I'd take your direction on that. I think we could remove off stuff until the summer of 2012. It would probably be reasonable, but we were pretty involved as far as talking about who was going to do what and who was going to own what and those types of things. That was a key part of those discussions that I recall from 2012.

Soukup stated if I could add to that, for whatever it's worth, RCP was not a part of the Schwada deal. We started incurring costs related to this project in late summer of 2012. We started incurring legal costs, RCP as an organization.

Corliss stated we still need to look at those soft costs and come back with a better recommendation.

Mayor Amyx called for public comment.

Greg Robinson stated I find it interesting, I've been down to a few of these meetings and it seems that we have entities that come before this Commission that are better prepared than the deep pockets of our community. No disrespect to Mr. Soukup, but we always get these people coming in here saying, well I don't have that information,

I want you to act on it, but we don't have this information. Make them give you the information. The taxpayers demand it. Why should taxpayers pay for this without seeing the information? I just saw approximately a 30 minute presentation about "just believe us." There's nothing to back it up except their words. We're spending \$220,000 plus for legal fees. How do we know if we weren't doubled billed, but then we're just told to forget about because you're capped so it won't matter any way, but we should. We should know whether we've been doubled billed from work that was done on the west side of K-10 and then brought back to the east side. I just tried to make notes as going along which told about how great oversight we had at the site. That's good, we should have oversight on every City project, but when I heard the word "aggregate" come up, that caused me concern. What does he mean by aggregate? The public may not understand what he means. Did we get limestone aggregate or did we get what the City requires in granite aggregate? It makes a big difference in the concrete that you get and the lasting durability of it because our City Code requires that curbs and gutters be made out of certain aggregate so it withstands the test of time and all the adverse conditions that it's going to get. So what did we get? We just thought it was an aggregate change, but what was it? The public's not told that. Were you guys told that? What was the aggregate change? Did we get the limestone that will fail early than the granite? That's just a given, but we're not told that and don't worry about it, you're at your cap. The land deal that they keep talking about was a great deal. The City got a great deal, no? KU Endowment got a great deal and so did Bliss Sports. I didn't see anywhere in the agreement and I understand that some of you were not on the Commission and I know Mayor Amyx was against this so take the comments for what they're worth. Where is the provision for future benefit district to recoup the City's investment in extending that infrastructure all the way out to the Sports Pavilion? It's not in there. You know why, because some of those entities own land around here and guess what they're going to

do, they're going to come to the City with a new project and their going to pay their tap fee only. So we get to supply them continual City services for a tap fee. We took more time on that 9th Street corridor than this whole Rock Chalk project in a sense of how it was rushed through at vote. There was no vetting of these issues that are now coming up. Why are these issues coming up now? These should have been worked out way in advance.

Amyx stated I want to respond and I believe I can do this, rush through this thing it wasn't. I sat through many of meetings and sometimes my colleagues were ready to do me in at times and that's fine, but understanding this body did not rush this thing through. This thing went through a year and a half.

Robinson stated Mr. Mayor I retract my comment that referenced that.

Amyx stated in the end there was a difference of opinion amongst Commission members, but where we are tonight, everybody on this body wants to make sure that the citizen taxpayer go the best deal. That's what this is about.

Robinson I agree with that Mr. Mayor, but however maybe it was a long process, but as I recall it was always the type of things we just discussed with the 9th Street Corridor which is "hey, let's get the community out, let's vet it and let's get all the questions." This was just put as "what do you want out there." It was never, "hey, we got these three entities this is some kind of hybrid new agreement between private entities." They won't even turn over their books. Whoever is looking at our agreement, looking out for our interest, dropped the ball quite frankly. That should have been included in any agreement with these private parties to make them turn over their books so we know that the taxpayer is getting what they bargained for and in this case, I would argue that we didn't because a good deal was for the other entities. We got a facility, yes we do, but we got capped at 25 million and they got all free infrastructure.

Dever stated 22 million that's 2.5 million dollars which was a big difference, it was 10% less.

Schumm stated I don't think Mr. Robinson is quite right in saying that the entire infrastructure was out there and all I have to do is tap into it. I don't believe it's correct at all just from my knowledge of the way it's been installed. Maybe you have specific information to back up your statements, but I would challenge that.

Corliss stated I was going to ask Chuck to respond to the aggregate question.

Soules stated there were a couple of areas where limestone aggregate was installed. One was on the access road that runs around the west side of the KU stadium and then there was just a little section rec path. We have not included any for those areas. This is all Endowment, KU, Bliss II, RCP work and that's all theirs. They were asked if that was sufficient, they were okay with that, but we are not paying for that. There's a hundred foot of recreation path and had limestone. One of the inspectors found that and told them it had to be removed. It's not been removed, it's a rec path and we don't have any issues with it necessarily as far as longevity goes, but we're not paying a cent for that. Those quantities were not included in the payment. All the rest had been installed to City's specifications.

Schumm stated can you comment on the fact, what I just said about the utilities are all there for anyone else to the south to just plug into at no cost?

Soules stated no, because the sewer line just sits to south.

Corliss stated that was previously installed.

Soules stated yes it was so there's no sewer line and there's no water infrastructure and it actually came off and just ran around the site. There's no benefit.

Corliss stated there was a special assessment benefit district to build George Williams Way, north of 6th Street. The property on the east side and the west side, both pay for that and the City-at-large paid for the intersection. So for the extension of

George Williams Way up to what use to be the City boundary, where Rock Chalk Park Drive is, that was paid for by a special assessment benefit district where the benefitting property on the east said and the west side was assessed the cost. The other streets that were installed, pursuant to this agreement, we're paying the bulk of the cost for the access to Rock Chalk Park.

Schumm stated I'm telling you this; I'm getting sick and tired of statements just like Mr. Robinson just made. It makes us look like we're a bunch of dummies that are providing all kinds of wealth for other developers. I think that's just ridiculous and I'm sick and tired of that kind of stuff.

Amyx stated but the answer was given by Chuck that there was a benefit district that was established and you have property owners participating.

Schumm stated there's not going to be any unfair benefits go to any other property owners because of Rock Chalk Park.

Amyx stated based on the information that we've received tonight, what would be your recommendation for review and consideration of the payment?

Corliss stated if it's acceptable, I'd still like to look at the loan information. I think that number needs to be adjusted. I think Monte's indicated tonight that you might be able to get the bank information as far as that was paid out. I think that's a difference in what the loan dollar amount is and think that's a good way to check that. You'll probably have to have somebody else run the numbers. The legal fees, I didn't use the word with Mr. Lawhorn "standing" but I think that's what ended up in the newspaper. I think he captured my view as to whether or not we would have the authority to require that. I think we can also say we're not going to pay it until we get more itemization on the legal fees. It's certainly reasonable to look at the legal fees earlier that as you suggested yesterday. That way we would actually have a project and we can look and see how that changes the numbers as well. Without knowing the work and the hours, it's difficult to

speak to the reasonableness of it. The conversation I had with Monte, he indicated that was roughly what they spend in regards to legal fees at the Endowment Association. Is that correct?

Soukup stated that's correct at the same time period at the same project.

Corliss stated I know that's what we spent, we spent less than that. If you're trying to figure out the reasonableness of those fees, the information is what we have so far. We can try and make some more inquiry to that and then the soft expenses. We can proceed and you can say we want to make a partial payment or you can so no, let's have a further vetting of this information and more review. An audit, in my opinion, is when a third party looks at something. It's not when I audit a number on behalf of the City, that's not an independent audit. We hire an independent auditor to look at City books. We haven't done that here. The Endowments indicated they're not doing that with this so that may be something that you all want to look at. I know that we've talked about that. I do think that definitely the loan number needs to be more rigorously looked at and professional fees. I don't know that were going to be able to get any more information on the professional fees. You've given us all the information that you have.

Soukup stated we have.

Amyx stated so the question that I would have for the Commission, are we comfortable with the information that we have now. We're going to go through a process where we're going to look at the loan, we're going to look at the legal fees and whatever soft cost fees that were being asked to pay, but are we comfortable with the information that we have or do we believe that further investigation or even an audit from our side into these numbers is warranted.

Schumm stated there's obviously some question out there yet that we need to resolve before we make full payment. It seems to me like if we audit, we're going to be auditing City's staff numbers for the most part for the infrastructure type work, the

pavement, the waterline, and sewer line. As demonstrated by Monte Soukup tonight, he had nothing but praise for the actual verification process. So I'm of the opinion that's probably not going to generate much difference in terms of what we already have based on what staff has prepared. They've done the work and we own them the money. I know when I do work and it's time to get paid, I want to get paid. I think what we should consider is paying a portion of this. The majority of it in fact and holding up on things that we have questions about and try to iron that out a little bit later on. The works done and we've verified it and it's time to make a payment. That's where I'm at. I think that we should try and figure out some percent and it should be a high percent of the total of what we owe and make that payment.

Dever stated I agree with Bob. I think there's one thing to consider and that is what standard of manifestation or demonstration of hourly rates, and times and fees we're going to expect from the professional services ranks. I don't think it's fair to single out the legal aspect of the law firm when the architects and engineers also submitted lump sum cost without an itemized bill. If we're going to seek clarification on these, make sure we feel comfortable and subject them to the same level of diligence that we did all the construction work. I don't know why we would just single out the law firm.

Corliss stated that's a good point.

Dever stated I think it's unfair to do so indiscriminately. If we're going to evaluate and ask for more information so I'd suggest that we withhold payment on those numbers until such time, if we're going to seriously try to get legal billing rates and/or times lined out, I think it's only fair to do the same thing for any professional service that were in question because I don't know if we're going to be able to get that information or not, but I certainly think we should ask for it, if we haven't asked for it enough, then we ask for it again.

Schumm stated what would be the division here of the 11.6 million that we owe. What portion of that would be the soft cost that we still want to investigate along with the interest rate? What number is that?

Corliss stated we got it on the website.

Riordan stated while we're figuring that out, I would concur with Mike and Bob that we do owe money. We ought to pay what we owe and ask for verification of dispute.

Dever stated \$650,000 or so.

Soukup stated we provided the documentation that we have for the legal fees and the professional fees. I understand your interest this. It's partly a collision of two different kinds of worlds in the sense that in the developer world you go out and you ask for a fee. This is the project I want to do, what would you charge me to do that project? The design consultant says, I'll charge you \$200,000 to do that. When you deliver the work product and make a pay request, you pay those amounts up to that \$200,000 and that's what happened essentially with Bliss II, paid for the design of the infrastructure. In the municipal world you typically contract on unit cost basis. When I get billed I want you to bill me on an hourly basis more like an attorney would typically bill. I want to see a schematic design. This is how much I'm going to pay you and that's all lined out in a contract. Those are set points and that's how you pay the project. What I'm telling you is that hourly information that you guys so desperately want to see does not exist. There's not out billings from the architects and engineers that say Jimmy spent 3 hours designing this pavement design, it doesn't exist. Bliss II went out and contracted for this work on a lump sum basis and said this is what I've agreed to in this document. We've got to design this to the City standards and you bill me for that as you go along. I'm just telling you that hourly thing that you are seeking on those kinds of contracts doesn't exist. It wasn't billed that way or contracted for that way.

Corliss stated we do have those affidavits from them, but I think it may be one way to get at it is we could make them specifically attest to what Monte saying. I don't have any doubt to what Monte is saying. We haven't specially attested and we do have a professional design fee policy that looks at how costs are allocated. We'll give you a report on that and see how those numbers compare for reasonableness.

Soukup stated what we did in our review is that we looked at the percentage of the construction cost compared to the design fee and typically on that kind of project we felt that that fee percentage fell within the market norm of what you would pay on the open market for that kind of work. That's why we passed that through as a cost. It's not "A" typical to see somewhere between 7 and 12% design fees on different kinds of projects. Like Dave said, you probably have a better feel for infrastructure projects than I do and what that fee would normally would be and I think they could look at that and see if it's within those parameters.

Corliss stated we did not have this dollar amount on your claim this evening, but we can work to take off the line items that you see here, legal fees, loan origination, loan for project finance, and professional fees. Take that off and have that number then on your claim next Tuesday night to pay while we're still then doing the additional review of those items. You don't have to do the math tonight to get that number. We'll do that tomorrow and have that on your claim for next Tuesday, if that's your direction and your other direction is to let me have someone look at this and calculate it appropriately and then we'll try and work on the substantiation of the reasonableness of the other professional people. That's my suggestion on how to proceed, if that's helpful.

Dever stated Dave can you please explain to me if we go through this process and identify costs that are in our minds should be less than whatever was submitted and how that compares against our capped out rates. How will we prioritize or what would

we identify as justified costs since we know the project was actually over that. Tell me how that's going to work.

Corliss stated you're going to be at your cap number and then you're going to be into the donation from the Assist Foundation for the rest of this.

Dever stated let's assume we've got \$100,000 of fees that we don't believe are justified or whatever. How do you pick which items you're going to pay for because we've capped out. How do you choose the items that will be paid for in the event that there isn't a reaching or exceeding?

Corliss stated if it's a reasonable cost we need to include it in the list of cost that we should attribute to the project as either being paid for by the City or paid for by the City with the Assist Foundation money. Again, we're kind of stepping over that, that's one of the largest donations to the community that I'm aware of, but we still want to show the genuineness of those expenses as well. Commissioner I don't know that I'm answering your question.

Dever stated it's been mentioned that we don't care because there's a cap and so who cares. Assuming there are costs that is \$180,000, \$250,000 or \$2,000,000 worth of other expenses, how are we going to choose assuming we go back under the cap at some point in time if we were to sit down and vet this and come up with some number that we felt like was more reasonable, although I don't think that's going to happen. It's possible if we get the information we need. How do you go about selecting which items we'll pay for?

Corliss stated we'll have to show you why these costs are appropriate and why there not, we'll just have to show you that. What I'm hearing is of Commission interest is that we go back to the staff memo, take out those soft costs that we still have continuing questions on and then put that dollar amount on for payment next week.

Riordan stated yes.

Schumm stated you're going to take out around \$800,000.

Corliss stated right, we'll just set that aside and pay the rest of it.

Schumm stated those are the total of areas of concern.

Corliss stated legal fees, loan origination etc... We can probably fairly quickly figure this out, but I don't want to do the math tonight. I also think we need to see how it was paid overtime.

Schumm stated that's paying about 90% of what we owe so that's reasonable to get that much done.

Corliss stated we're using that infrastructure out there.

Amyx stated but also if there's any other questions that we may have as we go through all the new information, we need to get it to staff immediately so if there are questions.

Corliss stated if there's no question on it, we don't have to pay that portion of the costs.

Dever stated we did an audit, but I'm wondering do we audit these numbers and that's what we're talking about doing right now.

Amyx stated let's see where we are next week okay? Mike, your right in bringing up all of the soft costs and making sure they all fit. I bring up the idea of legal because I'm looking at and saying, "I don't believe that we had a project in July of 2012." We didn't have this specific project so that's my question as I talked to Dave and Toni yesterday morning. So we'll do that next week, correct?

Corliss stated if that's your direction, that's where we'll go.

Riordan stated we still have to authorize some payment.

Corliss stated what I would ask is that you approve a motion that directs us to place on your claims next Tuesday for your review and approval, the balance of the infrastructure payment, less the soft cost related to loan professional fees and legal fees.

Amyx stated was that going to include the next item, the Assist Foundation.

Corliss stated no we're going to wait.

Amyx stated I appreciate your willingness to look through these things. I still have my concern about it.

Moved by Schumm, seconded by Riordan, to place the balance of infrastructure payment less soft cost on next week's City Commission agenda for review and approval. Aye: Dever, Riordan and Schumm. Nay: Amyx. Motion carried.

Amyx stated the next item is to authorizing the Mayor to execute a trail easement agreement with RCP, LLC for the 19.2 acres of property northwest of City-owned property at Rock Chalk Park.

Corliss stated this is the property owned by the Endowment Association, a single purpose entity and it is not involved in the KU Athletics lease at all. They have agreed and I think it's some point of gratuity on their point to allow us to have trails on that site. Our requirement is to pay property taxes which have historically been fairly nominal on the property and then the Endowment Association will allocate a portion of their liability insurance on that property as well. That will be our only cost and there is no other fee associated with our use of that. It does help us complete the trail network there so I think it's a worthwhile use of that property at least at this point.

Amyx stated I didn't understand why property tax would be owed on that property.

Corliss stated it's not owned by us, it's owned by the Endowment Association. The Endowment Association pays property taxes.

Schumm stated I just wanted to thank the Endowment Association for that. That allowed us by using it to complete a 5k trail system which is absolutely beautiful out there. As we get to another item later tonight, it's going to allow us even greater flexibility to get to a 10k trail system through another grant. Without that, we would have not been

able to do what we did. It really came in handy. It's worth the \$37 a year. I hope you'll carry that message back.

Corliss stated sometimes mill levies change.

Schumm stated the question I have is that into perpetuity.

Corliss stated no it's not, in 5 years. I don't know if it's going to be used for a while.

Amyx called for public comment.

After receiving no public comment, **it was moved by Schumm, seconded by Riordan** to authorize the Mayor to execute a trail easement agreement with RCP, LLC. Motion carried unanimously.

5. **Considered approving change orders for B.A. Green, in the amount of \$690,983, and change order for Gould Evans Architects, in the amount of \$67,653.84, and consider authorizing final payments to B.A. Green and Gould Evans Architects, upon successful completion of the punch-list items. Considered authorizing placement of the unspent contingency funds from the \$18 million bond issuance of \$52,041 in the City's capital improvement reserve fund, allocated for future library maintenance needs.**

David Corliss, City Manager, presented the staff report.

Amyx stated I'm glad yesterday you told me when I suggested that we put that \$52,000 for bond and indebtedness and that there are other projects.

Corliss stated Brad has a great brand new library, but it's larger and increases the mill levy. You'll have some maintenance needs on that facility, not next year hopefully, but in the years to come and hopefully it helps us keep a great new facility.

Amyx stated is appropriate to keep that in contingency even through the election held was for the construction of a new library?

Corliss stated I believe so.

Mayor Amyx called for public comment.

Brad Allen, Director of the Library, stated this was a great project. The architects had done a great job and the construction guys have done a really good job, that said, this is a really

large project and there's still a few things that are going to continue to need to be tweaked like acoustics that were working on and there are just different issues that I think are going to arise. You could consider maintenance or improvements. I think it's important to keep this small pocket of money. I, as much as anybody, want to come in under budget too, but I'm in support of staff making this recommendation. I think it's important to keep that there, should we have some things that would improve the quality of the library. We're done, but I think it's important to have a little bit of backup to be able to try to tweak the building as necessary to make it better, especially since we came in a little bit under budget. We worked really hard. I sat here for over an hour watching things not come in under budget so I just want to say, this was a good project and we worked hard on it and we appreciate you considering this.

Moved by Dever, seconded by Riordan, to approve change orders for B.A. Green, in the amount of \$690,983, and change order for Gould Evans Architects, in the amount of \$67,653.84, and authorized final payments to B.A. Green and Gould Evans Architects, upon successful completion of the punch-list items; and, authorized placement of the unspent contingency funds from the \$18 million bond issuance of \$52,041 in the City's capital improvement reserve fund, allocated for future library maintenance needs. Motion carried unanimously.

6. **Considered authorizing staff to solicit Qualifications/Proposals for the engineering design and construction plans for the Kasold Drive (Bob Billings Parkway to 6th Street) reconstruction project and consider accepting Federal-Aid Highway Safety Improvement Program Funds for the intersection of Kasold Drive and Harvard Drive.**

David Cronin, City Engineer, presented the staff report.

Schumm stated do you know if Harvard and Kasold have sufficient warrants for a traffic signal?

Cronin stated I do not know that. It's probably pretty close. Right now, in the peak hour, there are delays at the intersection. Usually we look at levels of service at intersections and we have not looked at what it is to date at that intersection. When we submitted the application to

KDOT for the safety funds, we submitted the accident history and the volume of traffic and there had been 13 crashes in the past 3 years at that intersection and we know the traffic volumes, but we haven't specifically looked at the level of service at the intersection.

Schumm stated if it comes down that it's warranted for a traffic light, then you have that cost to weigh against the cost of a roundabout.

Cronin stated sure, if it warrants improvements which could be either a roundabout or a traffic signal, usually is the next step of improvement after a 4 way stop which it currently is. Either one of those, then we would weigh the cost impacts of either a signal or a roundabout.

Schumm stated in your RFQ (Request for Qualifications) you're description says a shared use path and/or bike lane to comply with City Complete Street. Who decides that? It seems like if you had a shared use path, you wouldn't need a bike lane, but if you had a bike lane you more than likely wouldn't get a shared use path.

Cronin stated with every project we look at the existing network of bike facilities and we also have a long range bike plan, that's kind of identified usually either/or, shared use path or a bike lane, for future improvements. We would look at that on this section and also get feedback from the bicycle advisory committee and City staff. We'll look at what we feel is appropriate and a lot of it is depended on right-of-way, utilities, driveways, access and a lot of factors go into that. We certainly would look at what makes the most sense for the network. Right now, we have a little of both in that area and we have a shared use path on the west side of Kasold, south of Bob Billings all the way down to 31st Street so we would take that into consideration.

Schumm stated and you've got the connecting link from Kasold all the way east of Iowa. That's a great spot and for whatever it's worth, I'd like to see the shared pathway because I think that is real flat there and it makes a nice place for transportation. I can see a lot of people using it to go from 15th Street to Bob Billings down to 6th Street. The more protected it is, obviously the more bike transportation you're going to have. Especially, since it connects with the one on 15th Street going east.

Amyx stated David, yesterday you were talking about looking at the entire stretch of roadway which would include looking at that center green island thing that runs down through the center. Could it be used for roadway space similar to what is to the south?

Cronin stated the existing median.

Amyx stated yes.

Cronin stated we'll look at the entire right-of-way and when we're able to put in landscape medians, we try to do that. The section south of Clinton Parkway does have some smaller grass medians and we'll have to look at turning lanes, center turn lanes, and maybe other dedicated turn lanes in that section and see how much room we still have left after we clear the shared use path or bike lanes or whatever it may be and what's the best use of that right-of-way. It could involve going back with landscape medians, grass medians etc...or it may be a little narrower than it is right now if we include additional facilities.

Amyx stated didn't we do the area south of Bob Billings? Didn't we go the narrower lanes?

Cronin stated we did. The lanes south of Bob Billings and most of the arterial streets we've been reconstructing or all 11 foot lanes and I believe the section is 12 foot lanes so we would look at doing the same type of improvement with a little narrower lanes gives you a little bit more room and it's still an appropriate lane width for the speeds that travel on an arterial street.

Amyx stated I was under the impression when we had the discussion about south of Bob Billings on Kasold and the narrower lanes acted as a traffic control. He asked do you have any information on accident rates and if they had gone down with the narrower lanes. That history might help us in the future. Also the \$400,000 at Harvard and Kasold, I just want to make sure I understand if that money is for the recommended improvements that are warranted at that intersection or was that specifically for a roundabout.

Cronin stated the \$400,000 is for what we applied for in our application to KDOT. We mentioned that we would make the improvement to be a roundabout. If we chose not to do that roundabout improvement, it would be very likely that they would not award the funding if we went to a traffic signal or whatever improvements there would be, that was what the funding was for. It was for safety and most of the safety projects we apply for usually either a roundabout or a center turn lane, or a turn lane that gets people out of a through lane to increase safety. If we did not do the roundabout it would be very likely that there is no other improvement that we would make at that intersection that we would still get funding for. We could ask them and look at potentially if it was a traffic signal and would that cause us crashes that we have seen previously and we could always ask that question. The way we submitted the application, it was for a roundabout.

Amyx stated can we make a roundabout and/or traffic signals.

Cronin stated we can ask them to do that.

Amyx stated but here again, the Commission's going to have the opportunity to make the final decision on whether or not they want to do that improvement.

Cronin stated absolutely.

Dever stated so we already applied and asked for this money. It's not a matter of us approving that action, we did that previously, correct?

Cronin stated correct. We applied in May and just recently found that out.

Dever stated this would be a two lane roundabout more than likely if you're going to put one in here.

Cronin stated we have to look at it. It could potentially be hybrid roundabout. You have two lanes Kasold and one lane on Harvard.

Dever stated I'm sure you don't want to make that decision until next year, but it would be nice to see how the one we put in at Wakarusa and Inverness works out before we do anything else. It would be my desire to not even consider it until we've seen how well it

functions and if we can work it into this. The money would be nice, but I'd rather have the property function at that intersection and one that probably really close to meriting it, signalization anyway, but before we make any of those comments, I'd like to see those numbers. It's not a commitment for me building it up out there right now.

Corliss stated one other thing about that intersection is that we've got a crossing guard there as well so we've got to see how that functions, roundabout versus traffic signals, those types of things. It's not the only consideration. I know we have a crossing guard there that helps kids get to school.

Amyx stated I want to make sure with the second part of the action, accepting the federal aid highway money, were not being forced to accept roundabouts at all cost.

Cronin stated correct, we're not.

Corliss stated if the study comes back and says do a roundabout and the City Commission said no then we will then redesign and ask the state to either give us money for something else or we won't have the money. We won't get the money until we do the project anyway. It's probably on a reimbursement basis. Is that correct?

Cronin stated yes. We'll need to have discussions with KDOT. We just received the letter and typically these projects are standalone projects and we would have to discuss with them the opportunity to combine it with the City funded project to reconstruct the pavement. So we still need to meet with KDOT and talk to them about how that would coordinate.

Mayor Amyx called for public comment.

Greg Robinson stated I would like to expand on Mr. Schumm's comment. I don't know if you could do that within the scope of this work but would the Commission consider expanding the scope of this project in the sense that from 6th and Kasold since there's going to be all this engineering forces out there would it be an economy of efficiency to design a sidewalk from 6th at least to Falls Creek. There's no sidewalks between 6th Street and Falls Creek turn entrance and then on to Peterson. There's been many times during inclement weather, people are forced

to either walk in the median of Kasold or they're on the side of the road and in dark conditions, it's very dangerous out there during inclement weather when people are forced to be in the street when there's no sidewalks in that area. I don't know if that would be something the Commission would consider as an add-on or expand the scope of the project, but it would certainly make foot traffic much more desirable and the phrase Mr. Schumm used, shared access bikes and pedestrian as well, but maybe that's something that could be considered because it could go all the way north of the City to Kasold to complete the south part of the town just in one swoop.

Amyx stated David do you want to answer that question about that possibility.

Cronin stated with your direction we can expand the scope of the project. Right now, we kind of allocated or budgeted 5 million dollars in construction and design costs for this project next year. Historically, with a mile of reconstruction we're around 4 to 5 million dollars for design and construction and this is a little bit longer than a mile. I think we will need to do a little bit of improvements at the intersection of Bob Billings Parkway and Kasold as far as the pavement goes in the intersection so that's not entirely shown on the map going in so it's probably going to stretch a little beyond our typical one mile project. If there are certainly funds within the budget, we would certainly love to install a shared use path or sidewalks, north of 6th Street to Peterson. I think that was the request. I've gotten questions about that stretch road and why there wasn't a sidewalk before. That could be added onto the scope of the project if directed.

Soules stated it may exceed City costs.

Amyx stated when is the final action need to be taken on this to start this while we look and see if it goes over our budget.

Cronin stated we're just as far as the action on sending out the RFQ.

Amyx stated there are no dates we need to hit here.

Cronin stated no, it's a City scheduled project. At this point we're just going to get out proposals at least for this section and we can always add after we select a firm for this project. We could always look at what is the cost estimate to do this and add that onto the scope of the project.

Amyx asked if the Commission would like to have that looked at?

Dever stated can I make sure I understand? We're going to use complete streets guidelines to complete Kasold from Bob Billings to 6th Street, yes?

Cronin state yes.

Dever stated your estimate for that is roughly 5 million dollars and now we're asking if we can also look at using maybe funds for this project to install a shared use path on the north side of 6th Street, on the same street, not associated with road work.

Cronin stated correct, that's my understanding.

Amyx stated would we like them to look at that if possible.

Dever stated sure. There's only one sidewalk.

Corliss stated I'm going to have to recuse myself because our house is on the west side of Kasold. Mr. Robinson is correct; there are no sidewalks in that area. It's needed. The topography is not particularly good. The comments are exactly on point in that there is not a good place to walk. As you go down Riverview that is pretty steep. I see people running in the median which I don't know how smart that is. I don't know if it's this project or a gap sidewalk project. I think there's a sidewalk on the west side of Kasold from Fall Creek Farms to Peterson then when we rebuilt Kasold, north of Peterson, it's got all kinds of stuff.

Amyx stated, well let's look at that and see. If we need to look at it again, let us know.

Moved by Schumm, seconded by Riordan, to authorize staff to solicit Qualifications/Proposals for the engineering design and construction plans for the Kasold Drive (Bob Billings Parkway to 6th Street) reconstruction project and accept Federal-Aid Highway

Safety Improvement Program Funds for the intersection of Kasold Drive and Harvard Drive.
Motion carried unanimously.

E. PUBLIC COMMENT:

Mary Beth Bialek stated I'm a mother of a police officer here in Lawrence, Jay Bialek. He's been on the force about 23 years. I'm also a member of Lawrence Police Foundation which we founded 3 years ago. When Jay first got on the force, I took a tour of the Police Department downtown and quarters were pretty tight then. Office space was terribly tight and it's even tighter now because we've increased our officers by quite a few. There are 151 commissioned officers now as I understand as of this year. I'm sure back in the 90's there weren't quite that many. In October, I took a recent tour of the facilities and the working conditions are deplorable. 1) The evidence room is 3 stories high and the evidence officer has to climb on extension ladders and you can imagine how many pieces of evidence there are, 1000 of pieces to try and house and try to retrieve that evidence. 2) When the officers report for their shift sometimes there are 18 officers coming on at one time and a lot of the time there's maybe 8 or 9 computer stations opened so those officers can get in there to complete their work, before and after a shift. It's hurry up and wait situation to get that work done before they get out there on the street and after they come back. 3) Officer having to interview a victim, witness or maybe a family member out in a public hallway. 4) The computer technician officers that work on repairing the computers in the patrol cars, they have to be done in a patrol car, in hot and frigid temperatures, due to a "no parking garage." I saw a recent photo of a police officer bending over with his back side exposed on his hands and knees out of one of the police SUV's trying to work on them. Taking this issue to a vote was obviously a poor choice. We should not have to subject our police officers facility to another vote. I urge you as Commissioners, I think this would be lowering our standards, to reach a solution to keep our community safe and by getting this facility built as soon as possible. Folks have said that we

need more officers rather than building a new building, but we don't have any room for new officers. Thank you for listening.

Greg Robinson stated in reference to the comments that just happened, the evidence room that she speaks of, again, I think Mr. Harper put in the paper many things that need to be done or needs to be some audits done. One thing that comes to mind is, how often does the City court and how often does the Douglas County District Attorney file motions to destroy evidence? When I was a police officer, you still had beer cans that were seized many years before from a minor in consumption or minor in possession of alcohol. Do those type items still exist in the evidence room? If they do, let's get rid of them to free up some space. I don't think the tax issue vote was not a vote against the Police. The group that I belong to, we made it crystal clear, we are not against the Police. We believe they need a facility. We will help support discussions for a new facility, but it has to be done in a way that just basically not designed to say this is what you're going to have to get. The public wasn't involved in that. Again, it was kind of like what I said earlier about Rock Chalk Park, it was like, here's what we want, live with it. There's not a whole lot of public discussion about the "ins" and "outs" of it, because we're always told, well you're not a police expert. Well, I'm not in the sense that I'm no longer a police officer, but one thing for sure is that, why do we need a \$249 per square foot gymnasium for the police officers in a police building. Those are discussions that the public need to have. Is that actually necessary for them to have. As Mr. Dever corrected me, it's a 22.5 million dollar project we have out there with a new workout facility and gym. Can they engage in the community and get out and know the public by engaging in that instead of walling themselves up in a police facility to work out. Things like that need to be discussed. Again, is a facility going to be needed, sure, I would never disagree with that. The thing about the police interviews, a lot of times, shoplifters or some of the people that come in to report crime, yeah you talk to them outside, that happened all the way back to 1990 when I was there. This is nothing new and it's not something that exacerbates and creates the inability to fight crime. It's just property reports

coming in the front door is what it is and/or they call in. We have a name for it called "tella-slave" because you were tied to the phone and then you got to take police reports over the phone and things like that. I think this issue is going to come back as you all know so we just need to engage the community and find out exactly what we need and where we need to locate it and let's get it done. It's that simple. Thank you.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS: None

H: CALENDAR:

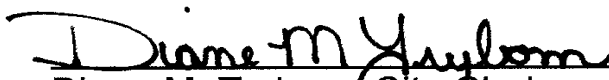
David Corliss, City Manager, reviewed calendar items

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Schumm, seconded by Riordan, to adjourn at 10:28 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON DECEMBER 16, 2014.


Diane M. Trybom (City Clerk)