



# City of Lawrence

## CITY MANAGER'S OFFICE

DAVID L. CORLISS  
CITY MANAGER

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

6 East 6<sup>th</sup> St  
785-832-3000  
FAX 785-832-3405

CITY COMMISSION

MAYOR  
JEREMY FARMER

COMMISSIONERS  
LESLIE SODEN  
STUART BOLEY  
MATTHEW J. HERBERT  
MIKE AMYX

July 7, 2015

The Board of Commissioners of the City of Lawrence met in regular session at 5:45 p.m., in the City Commission Chambers in City Hall with Mayor Farmer presiding and Commissioner members Amyx, Boley, Herbert, and Vice Mayor Soden present.

**A. STUDY SESSION: (3:00 – 5:15 p.m.)**

1. City Commission Study Session on Interim City Manager's Recommended Budget.

**B. RECOGNITION/PROCLAMATION/PRESENTATION: None**

**C. CONSENT AGENDA**

**It was moved by Commissioner Amyx, seconded by Commissioner Herbert, to approve the consent agenda as below. Motion carried unanimously.**

1. Approve the City Commission meeting minutes from 04/21/15 and 04/28/15.
2. Receive the minutes from various boards and commissions:
  - Mental Health Board meeting of 05/29/15
  - Parks and Recreation Advisory Board meeting of 06/09/15
  - Plumbing Code Board of Appeals meetings of 05/20/15
  - Public Transit Advisory Committee meetings of 11/11/14, 01/13/15, and 03/10/15
3. Approve claims to 269 vendors in the amount of \$4,044,636.06 and payroll from June 14, 2015 to June 27, 2015, in the amount of \$2,131,395.05.
4. Approve licenses as recommended by the City Clerk's Office.

**Drinking Establishment**

**Expiration**

Cider Gallery  
Cider Gallery LLC  
816 Pennsylvania

July 5, 2015

Chipotle Mexican Grill  
Chipotle Mexican Grill of Kansas LLC  
4000 W 6<sup>th</sup> Ste: 1

July 22, 2015

Chipotle Mexican Grill  
Chipotle Mexican Grill of Kansas LLC  
911 Massachusetts

July 22, 2015



Zen Zero  
Zen Zero Inc.  
811 Massachusetts

July 16, 2015

La Parrilla  
La Parrilla Inc.  
724 Massachusetts

July 14, 2015

**Off Premise CMB**

Maceli Market & Deli  
Maceli Holdings  
3300 W 6<sup>th</sup>

New License

5. Approve appointments as recommended by the Mayor.

**Aviation Advisory Board:**

Reappoint Jonathan Becker, Cheri Thompson, Jeff Long, and Gary Knudsen to additional terms that would expire 05/31/18.

**Lawrence Alliance:**

Appoint Marta Carvajal (785.424.4638) to a position that expires 11/30/15.

**Sister Cities Advisory Board:**

Appoint Amy Pope (785.840.7335), Jennifer Carttar (785.691.5852) and Hans Cartter to positions that would expire 12/31/17. Reappoint Billy Williams to a position that would expire 12/31/17.

6. Bid and purchase items:

a) Award Bid No. B1507, Project No. PW1442, 6<sup>th</sup> Street Fiber Project, to K&W Underground, Olathe, KS, in the amount of \$322,347.85, provided the contractor can meet the terms established in the contract documents.

7. Adopt on first reading, Ordinance No. 9099, establishing No Parking along the south side of 11<sup>th</sup> Street for a distance of 60 feet east of Rhode Island Street.

8. Adopt on second and final reading, the following ordinances:

a) Ordinance No. 9123, renaming the private street Candy Lane to Lakeside Lane.

b) Ordinance No. 9124, renaming the Lawrence Citizen Advisory Board to the Citizen Advisory Board for Fair and Impartial Policing, and amending the code provisions related thereto.

9. Initiate the Landmark nomination process for City owned properties that meet the criteria in Chapter 22 for listing in the Lawrence Register of Historic Places.

10. Accept a Historic Preservation Grant in the amount of \$41,960 and a Douglas County Heritage Grant for \$52,000 for documentation of Oak Hill Cemetery and restoration of

the receiving vault at Oak Hill Cemetery. Authorize the Interim City Manager to execute project agreements for the grants.

11. Accept dedications of right-of-way and easements for Final Plat, PF-15-00094, for Bauer Farm Seventh Plat, a 4 lot planned commercial, residential, and office subdivision containing approximately 14.569 acres, located at 4700 Overland Drive. Submitted by Treanor Architects, for Bauer Farms Residential LLC and Free State Holdings, Inc., property owners of record. (PC Item 5; approved 7-0 on 6/22/15)
12. Accept vacation of existing access restrictions associated with Minor Subdivision, MS-15-00257, for O'Reilly-South Addition, located at 1008 W 23<sup>rd</sup> Street. Submitted by City of Lawrence Public Works, for Sanders LP, property owner of record.
13. Approve the request by Neal Slattery for variance from City Codes 19-112 and 19-301, which require separate water meters and service lines for each unit in a duplex, with respect to the Assisted Living by Americare project.
14. Authorize the Interim City Manager to execute a license for the use of city property for agricultural use in the Common Ground Program for: The Lawrence Community Food Alliance, Inc. at 830 Garfield.
15. Authorize the Parks and Recreation Department's application to the NFWF Monarch Butterfly Conservation Fund to support monarch habitat restoration at VenturePark and Burcham Park.
16. Authorize the Interim City Manager to execute a First Amended License Agreement, permitting Larsen & Associates, Inc., a Kansas corporation, to install and maintain four (4) monitoring wells within the City's rights of way near the intersection of 23rd Street and Naismith Drive in order to assess possible groundwater and soil contamination in the area.
17. Authorize the Interim City Manager to execute an agreement for the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) for Douglas County Sheriff's Department and Lawrence Police Department to use grant funds to upgrade the current analog telephone system used by both agencies to a digital phone system. The grant was for \$36,685 with no matching funds required by the City.
18. **PULLED FROM THE CONSENT AGENDA FOR SEPARTE DISCUSSION.** Authorize staff to initiate an incremental review of the Sign Code (Chapter V, Article 18 of the City Code).
19. Authorize the Mayor to sign a Subordination Agreement for Betty Colbert, 307 Illinois Street.
20. Authorize the Mayor to sign Releases of Mortgage for Maria D. Well, 2735 Rawhide Lane and Kathy Luna, 338 Funston Avenue.
21. Approve as "signs of community interest", a request from the Douglas County Fair Board to place signs at various requested locations from July 26 through August 1, 2015.

Commissioner Boley removed from the consent agenda item no. 18, authorizing staff to initiate an incremental review of the Sign Code (Chapter V, Article 18 of the City Code).

Commissioner Boley: I'd like to defer this to later. I think that we have some work to do on the topics that have been raised by our consideration of the property at 1145 Pennsylvania. I think we have some work to do in the area of code enforcement. I would prefer that we work on that rather than signs at this time.

Mayor Farmer: Okay. Scott, do you have a response to that?

Scott McCullough:  
Planning and Development  
Services Director Just some context. This effort stems from our several years' worth of trying to look at our processes and code standards to become more business-friendly, and it has been pushed off in the past for other initiatives that we've been working on. Commissioner Boley, just to advise you that the group that would work on this amendment process is different than the division that would work on the property maintenance code issues.

Commissioner Boley: This group would have to work with both of them. That's my point, is I think we need to finish up what we've started with 1145 Pennsylvania before we devote resources to this.

Scott McCullough:  
Planning and Development  
Services Director We'll certainly take that direction. It's not an immediate issue, but it is something we'd like to get to sometime this year. We've had some great participation with some stakeholders to date that are really anticipating us getting started on this, some in the business community that are looking to amend the sign codes.

Mayor Farmer: Okay, any other commissioning questions for Scott? Public comment on this item? (None) All right, bring it back to the Commission. Scott, this has been going on since November of 2013?

Scott McCullough:  
Planning and Development  
Services Director Even prior, but yeah, more formally, sure.

Mayor Farmer: All right. What do we want to do with this one?

Commissioner Amyx: Commissioner, you're asking it just to be put off until after the code?

Commissioner Boley: We raised some issues that we haven't resolved with 1145 Pennsylvania, and I want us to work on that first. That's my point.

Commissioner Amyx: What would be a time frame to get those issues taken care of?

Scott McCullough: We're preparing a memo for the Commission's consideration on

Planning and Development Services Director the property maintenance codes, so if we can submit that within the next month or so then that'll get that ball rolling and hopefully get some resolution to address those issues, and then come back maybe to this initiative.

Commissioner Amyx: I guess I don't have a problem with that if it's just a month.

Scott McCullough: Planning and Development Services Director I think my point is in staff's division, two different divisions are looking at each of these initiatives, so it wouldn't necessarily overlap in our department. There may be some stakeholders looking at the same issues.

Commissioner Herbert: Scott, would we be asked to make a decision on anything regarding the proposed sign code prior to making a decision on 1145 Pennsylvania?

Scott McCullough: Planning and Development Services Director That depends on the process. Our plan for the sign code amendment was to take our time with them in an incremental fashion and tackle them in categories. They're going to have different stakeholders that are going to want to be involved, so if we're talking about auto dealerships versus real estate signs, those are different people at the table for us, and so we'll be operating on multiple fronts on really both issues. The timelines are separate.

Commissioner Herbert: Yeah, I was just thinking if we're going to have some resolution come before us on that 1145 Pennsylvania in the next month, and it would take you two or three months to prepare anything on this, I don't think we'd see any interference even getting you to start this right now, right?

Scott McCullough: Planning and Development Services Director Yeah. The other alternative you have is to go ahead and initiate them but give me direction to work on the property maintenance code issues before we go forward on this.

Commissioner Herbert: Let's do that.

Scott McCullough: Planning and Development Services Director This just initiates the process.

Commissioner Boley: I really want to deal with those issues before we start dealing with this other stuff.

**Moved by Commissioner Boley, seconded by Commissioner Herbert,** to initiate an incremental review, final action to be taken after property maintenance code is addressed, with revisions coming back to the City Commission. Motion carried unanimously.

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

Diane Stoddard, Interim City Manager, presented the report regarding Kasold Drive Public Meeting Report; 2015 Sales Tax Distribution Report; and, the May Social Media Report.

**E. PUBLIC COMMENT:**

K.T. Walsh: Good evening, Mayor and Commissioners. I'll be brief. A while back we were getting a bench for the shelter and the jail in the county to go visit out there, and after a year it got dropped. They've moved the bus stop now, so it's two blocks from the shelter, and it would be wonderful if there was a bench there. There are only four bolts. I have a feeling there's a bench somewhere. I see people in the driving rain and in the hot sun. There are a lot of families. It'd be great to have a place to sit at the new bus stop, so I'm just saying. Thank you.

Mayor Farmer: Thanks, K.T.

Diane Stoddard:  
Interim City Manager We'll work on that. Also, kind of re-looking at that location, there's been some issues with it, so I think that's something that staff's going to re-look at, but we'll also look at the bench placement.

Mayor Farmer: There are some stops that have moved, because we've talked about that. Can we get a list of where we currently have shelters, where we currently have benches? Some routes have changed locations where spots are picked up. I got an email last week. Can we just get an update from transit on that?

Diane Stoddard:  
Interim City Manager Will do.

Mayor Farmer: All right. KT, we're on it.

K.T. Walsh: Thank you.

Mayor Farmer: You're welcome. Other public comment? (None)

**F. REGULAR AGENDA ITEMS:**

1. **Received update from Lawrence Community Shelter.**

John Tacha, Shelter Board, presented the update.

Trey Meyer presented the update on the operational costs

Mayor Farmer: Thank you. Questions for Trey, John or others on the Board?

Commissioner Amyx: I do. Trey, what would be a number of guests that you would have that would be an acceptable number, I guess, to be able to meet your budget?

Trey Meyer: Yeah. I found it very difficult to predict any particular

Operating Director  
Lawrence Community Shelter

incremental savings by having one less guest at a time at the margin. John's right, it really becomes more an issue of how many guests can we safely take care of with a given level of staff, and what we have talked about internally is that as we move to this half-staff with some of the departures that we anticipate, probably around a total guest number of around 75 or 80 would still continue to be manageable at those staffing levels, so we're looking at asking somewhere on the order of 45, 50 folks to find somewhere else to live.

Mayor Farmer:

Other questions? Okay, thank you, Trey.

Trey Meyer:  
Operating Director  
Lawrence Community Shelter

Okay, thank you.

Mayor Farmer:

Public comment on this item? (None) Okay, so we're not going to take action on this since this was just posted to the agenda yesterday, but I anticipate it going on the agenda for next week for us to take a formal action on. It's \$100,000.00 this year is what you're asking, right?

Trey Meyer:  
Operating Director  
Lawrence Community Shelter

That's correct.

Mayor Farmer:

In addition to what we've provided? Okay. I think we can deal with the 2016 stuff in conjunction with the 2016 budget. I think those needed to be separate things, but basically if we're not going to do anything, then my understanding is you guys will start laying staff off July 15th, which is a week from tomorrow.

Trey Meyer:  
Operating Director  
Lawrence Community Shelter

Yeah.

Mayor Farmer:

Okay, so next week it's going to come back for official action on behalf of the City Commission. Obviously, it's not an all or nothing thing, right? You'd be thrilled with \$100,000, upset with \$0.00, but would take anything in the middle, right?

Trey Meyer:  
Operating Director  
Lawrence Community Shelter

Yeah, that's correct. We'll take whatever we can find and we'll make it work, and I should add also that the commitment, really, is what's more important right now because as you can see from our budget, we can manage here the next few weeks, and if we get a commitment of funds from the city or the county or both, then we can continue operating the way that we are. When those funds come in the door, then we can just keep going. It's the decision and the commitment that's what's most important right now. Assuming that we don't hear anything further, which I know you're going to do your best to let us

know something one way or the other, but we have to move into that phase of our project here in order to make it work, so we'll start doing that on the 15th if we don't know anything further.

Mayor Farmer: One more question for you. You're looking at an \$85,000.00 deficit at the end of the year. If the city and county were to do \$45,000 each, that would put you in the black by about \$5,000.

Trey Meyer:  
Operating Director  
Lawrence Community Shelter

It would by the end of the year. We would still need to figure out a way to get through that October period. I should have added also, we are not going to cease our normal fundraising efforts. We're not just going to sit by and have this be our only potential solution. We're going to continue to, as John said, we have some real unity between staff and the board right now. We're going to continue to run out every ground ball we can find as far as fundraising is concerned, so if 90 was the number, that gets us real close, and I feel like we're going to have the ability to raise the money to close that gap. Yeah, that would do it.

Commissioner Boley: Would a matching amount from the city assist your fundraising efforts? We would say like a 1 to 3 match, something like that.

Trey Meyer:  
Operating Director  
Lawrence Community Shelter

Just so I understand you, if we told our donors if we raise X, the city will match some X or a fraction of X, something like that?

Commissioner Boley: Up to ... Right.

Trey Meyer:  
Operating Director  
Lawrence Community Shelter

Absolutely. We would look at every potential fundraising idea, for sure. It's really a timing thing is how quickly we can raise that fundraising effort up.

Commissioner Boley: It would seem to me that a commitment on the part of the city to match at a certain level to a level would enable you to go at the community and have a better fundraiser.

Trey Meyer:  
Operating Director  
Lawrence Community Shelter

I think that would be incredibly valuable.

Commissioner Boley: Okay.

Commissioner Herbert: John, at the beginning of your speech you talked about how this would be the last time we ever see you in this situation. In a world in which you receive the same amount of funding next year as you did this year, what actually changes at the shelter level to make sure that that's the case?

John Tacha:  
Shelter Board

I think the primary things are going to be the board's going to do this fundraising. I will make that my personal mission that



that happens to the extent that it should. To be completely honest, and I think that the board would agree with me, is that there's been a bit of let's just call it board fatigue in terms of fundraising, and I think that the turnover in the board is going to help with that. There is more energy now than there has been in some time and also, the board now is feeling the necessity of that perhaps more than they have in the past, and I can do nothing but apologize for that.

Commissioner Herbert:

Okay, thank you.

Commissioner Amyx:

I have a question of staff. Diane, if we chose to participate in this, where would we take the monies from?

Diane Stoddard:  
Interim City Manager

I think really the major option for that Commissioner would be from fund balance in terms of funding. That's certainly about the only general fund option that we would have, I think if you're talking about the funding for this year.

Commissioner Amyx:

Yeah. Okay. What were those funds we were talking about today?

Commissioner Boley:

We talked about the Housing Trust Fund.

Diane Stoddard:  
Interim City Manager

That could be a possibility if you wanted to provide those funds. There's the special alcohol fund. There's some amount of money there, fund balance.

Mayor Farmer:

So for next week can you bring us a list? Send it out and maybe we could post it along with the agenda of where we have fund balances where we didn't anticipate having them because of people drinking more booze or whatever so that we could have some options for where we might be able to take that from. I love your idea of matching if we can get the county on board with that, but I think it needs to be a commitment that we make irrespective of whether or not ... If they raise \$10,000.00 and we match 10, that's going to be helpful but that's not going to get them to where they need to go. That's just kind of my only concern.

Commissioner Boley:

I guess I'd like to have a little bit more information about the impact of the various funding levels, and I'd like the staff to work with the Shelter to essentially say if the shelter gets \$50,000 instead of \$100,000, what does that mean? Like that...just some options, some ideas about the impact.

Mayor Farmer:

Okay.

Commissioner Amyx:

Because one of the concerns we had Mayor, was the comment that you made if we were able to come up between the city and the county with \$90,000, but it still doesn't get us through

October.

Mayor Farmer: I read that wrong. \$103,000 would make sure that they would cash flow through October, and then they've got a big revenue month in November and December, which every nonprofit does, so \$103,000 would be what they need to be at 0.

Commissioner Amyx: Okay.

Diane Stoddard:  
Interim City Manager Just so that we understand again what you're asking for, you're asking for us to provide you some funding options if we were to fund at a \$50,000 level or a \$100,000 level, and then information from the shelter as far as what the impact would be if it were funded at those certain levels?

Commissioner Boley: It sounds like the matching would have a beneficial impact on your fundraising efforts.

Trey Meyer:  
Operating Director  
Lawrence Community Shelter I think it really would.

Commissioner Boley: So if there's some way we can get an idea of how that might have an impact.

Trey Meyer:  
Operating Director  
Lawrence Community Shelter Yeah, like I said, I'm just worried about the timing. I think if we had a time machine here, we could go back to January and project these numbers out and start working on it then, I think that would be just a bang-up solution, but now we're sort of up against it.

Mayor Farmer: I wonder, because there are two needs here, the fundraising leverage and then the need for immediate cash so that they can continue to have the services that they provide to people. The County's going to make their decision tomorrow. I wonder if one entity, it sounds like the matching would be what we would go for, but if we were to match up to a certain amount and the county were to provide an emergency infusion of X amount, that we kind of get at both things. We allow them to leverage our money, and then the county can. I'll be happy to talk to the County Commissioners about this, so I'm happy to make those calls, but my concern with the match is ... You guys have how many staff now, Trey? Seven?

Trey Meyer:  
Operating Director  
Lawrence Community Shelter Six, really

Mayor Farmer: I know how difficult those fundraising campaigns can be, and getting a letter out and there's upfront costs with that. You've got to pay for postage, and if you don't have lists pay for a list.

There's a big expense associated with those.

Trey Meyer:  
Operating Director  
Lawrence Community Shelter

I would just add to that that I think we're going to have a lot of that kind of logistical support from the board, and so it's not just going to be our 6 paid staff folks. At the end of the day, and you have to know our staff a little bit to understand this, but we're going to do whatever we need to do to get this done, and so if that's what we need to do to make it happen, then that's what we'll do.

Mayor Farmer:

Okay, can I have your permissions to talk to the county and say that we want to move forward with maybe looking at a match and inquire of their desire to do an emergency infusion of funds?

Commissioner Amyx:

As long as you're not committing us to an amount of money.

Mayor Farmer:

I'm not committing us to any amount.

Commissioner Amyx:

Okay.

Commissioner Boley:

Fair enough.

Mayor Farmer:

Good?

Vice Mayor Soden

That's fine.

Mayor Farmer:

Okay. Then you guys, you'll work together on different funding scenarios. How detailed do you want to see? Like 100%, 50%, 0?

Commissioner Boley:

Well, I'd like about midpoint because we've got the 100%, we've got the 0. What's the midpoint?

Mayor Farmer:

Is scenario number two 0?

Commissioner Boley:

Operating budget with the cuts...

Trey Meyer:  
Operating Director  
Lawrence Community Shelter

Under that second budget with those cuts, I would have to expect to get down to that 75, 80 range in order for that to be manageable for remaining paid staff and those hours.

Commissioner Boley:

I think the scenarios for 0 and 100% are pretty much out there. It's what's in the middle.

Trey Meyer:  
Operating Director  
Lawrence Community Shelter

Sure. We can work on that. I'll try to flush that out in a little more detail. As I said, it's hard to project savings at the margin if you have X guests or X minus one guests, but with the larger ranges, I think we can take a stab at that for sure.

Mayor Farmer:

So we'll see you guys here next week.

Trey Meyer:  
Operating Director  
Lawrence Community Shelter

Very good. Thank you for your time. Appreciate it.

2. **Considered accepting Federal-Aid Highway Safety Improvement Funds in the amount of \$600,000 for intersection improvements for the construction of a roundabout at Harvard Road and Wakarusa Drive.**

Dave Cronin, City Engineer, presented the staff report.

Commissioner Amyx: What other safety improvements did you look at this intersection?

Dave Cronin:  
City Engineer

At this intersection, in the future when we do a capital improvement project through here, there's really two different types of intersection treatments that we would recommend. It would be either a roundabout or a traffic signal. The roundabouts have a better safety record as far as slowing traffic down, for pedestrians crossing, and for turning traffic, and so for the KDOT cost-benefit analysis, they would only consider allocating the funds from the Highway Safety Improvement program towards a roundabout and not a traffic signal because they would not see the decrease in expected crashes with a traffic signal as folks speed up to get through signals, and there's a higher severity of accidents. We haven't looked at any other alternatives with safety at this intersection other than a roundabout, but the roundabout was the best solution to get the Safety Funds from KDOT.

Commissioner Amyx: I guess I was under the impression that staff was going to be looking at several safety improvements at the intersection, and we were just not going to consider a roundabout, but obviously I was wrong.

Dave Cronin:  
City Engineer

If there's other safety things that you have in mind...

Commissioner Amyx: I'm not an engineer so I don't know, and I really don't care to answer that, so that's just how it is.

Dave Cronin:  
City Engineer

I'm sorry if I led you...

Commissioner Amyx: I just think that we're being led astray by, "Oh, just take the next step, the next step," so I think that's all this is.

Commissioner Boley: If the roundabout would be at that location, would it resemble the one that's close to it?

Dave Cronin: That's a good question. It would very likely be the same size

City Engineer

and design as the one that we did at Wakarusa and Inverness. That's the minimum recommended diameter for a two-lane roundabout or a two-lane on a major street with a one-lane side road, which so far it seems like it's operating pretty well. We also have to consider right-of-way constraints, and we want to make it an appropriate size, which is a key factor for roundabouts, but don't want to encroach on adjacent property, so that would be the likely design. It would be very similar if not identical to Inverness.

Mayor Farmer:

Okay. Any questions? Okay, Dave. Thank you.

Dave Cronin:  
City Engineer

Sure.

Mayor Farmer:

Public comment on this item?

Michael Almon:  
1311 Prairie Avenue

Good evening, Mayor Farmer and Commissioners. I'd encourage you to accept this \$600,000. Speaking from a perspective of pedestrian and bicycle safety, when we make improvements along a street corridor for protected bicycle lanes or side trails and things of that sort, that's definitely a good step to avoid conflicts between the various modes of transportation, to separate motor vehicles from the bicycles from the pedestrians in discreet areas. That said, once all those modes of transportation get to the intersection, all bets are off, and actually I think the next level of discussion that we should be considering is intersection safety. The pedestrian coalition I know is aware of that. I can't speak for them, but I'm just aware that they're concerned very much about intersection safety. I find a roundabout among whatever different designs there may be for an intersection to be possibly the best solution of all. There are other methods such as a protected intersection, which is a European design, but that's mostly geared toward protecting the movements of the bicycles and pedestrians, and it doesn't really do anything necessarily to change the movements and the behavior of motor vehicles. I personally find the roundabout to be much safer, particularly the way that Public Works has been designing ours to this point where the pedestrians have a clear area where they cross only one lane of traffic at a time, so they only have to be aware of one direction, and where the bicycles, if they're at a proficiency level that they're not comfortable with going through the roundabout, there's an exit ramp onto the sidewalk where they can take the pedestrian route. I think it's a very comprehensive design, and I like the ones that Lawrence has at this point, so I would encourage you to go with that design. Thank you.

Mayor Farmer:

Thank you, Michael. Other public comment? (None) Okay, back to the Commission.

Vice Mayor Soden: Let me tell you how I drive for a living once again. I pretty much talk about it every Tuesday. I drive on the west side a lot. I go through the roundabout on Wakarusa and Inverness now at least once every day. Several times normally, but at least once, and besides the eminent domain issues that we had with the adjacent property owners, it's working beautifully, actually. I'm very excited about having one at Harvard. I just drove through Harvard and Wakarusa today, which is two lanes of course go north and south and one lane, and it was a freaking disaster. Apparently every is so used now to the roundabout and how much easier it is down the way that they've all forgotten how to function at the four-way stop just to the north of that. It was embarrassing. It really was, and there was a pedestrian, too, so of course that trigger went off. I am very excited to receive this money from the federal government, wasn't it? Our part is just \$60,000.00. I think it's a great investment for us for that location. Thank you.

Mayor Farmer: Okay. Other Commission comments?

Commissioner Herbert: Mayor Farmer, is it too late to ask a question of staff?

Mayor Farmer: Nope.

Commissioner Herbert: All right. Dave, if this were not to pass this evening, would there still be work done at Harvard and Wakarusa in a year? Is it 2017 that it's slated for?

Dave Cronin:  
City Engineer: Yeah, it's on the CIP plan for 2017, but that's ultimately up to you all's decision in the future if that still would be a 2017 project.

Commissioner Herbert: In your opinion, if a roundabout is not utilized, would it be moved to a signal?

Dave Cronin:  
City Engineer: I think it would need to be a traffic signal. Right now, it's a four-way stop, and it offers a level service E, which is every vehicle on average is stopping there for at least 50 seconds, and so a traffic signal would reduce the delay, so that would be another option. If we reconstructed the street, it would be appropriate to do that, and it could be done ahead of time as well, but not with the safety program, but its needed now, the improvement is.

Commissioner Herbert: One more question, sorry. What would the cost be to our city to signalize that intersection?

Dave Cronin:  
City Engineer: The signal costs are approximately \$300,000.00 which includes the mast arms and all the computer equipment and all the electrical work. As installation cost, it moves the annual maintenance cost.

Chuck Soules: Except, Commissioner that does not include the cost of the

Public Works Director pavement, so if we're rebuilding the street, the pavement costs, and a roundabout includes the pavement. You see what I'm getting at?

Commissioner Herbert: Yes, so in your opinion then, give me a comparative cost.

Chuck Soules:  
Public Works Director The pavement.

Dave Cronin:  
City Engineer Yeah, if you include the pavement, that's probably another \$100-\$200,000, including the side streets and the length that you would go, sidewalks.

Commissioner Herbert: So essentially a roundabout and a traffic signal are equally expensive, it's just under this scenario the city would pay less because we're receiving a 90/10 grant.

Dave Cronin:  
City Engineer Correct.

Diane Stoddard:  
Interim City Manager And the amounts, costs ongoing?

Dave Cronin:  
City Engineer As far as the capital installation cost, it's probably pretty close. We did that kind of analysis when we looked at Wakarusa and Inverness. Sometimes it depends on the grade of the street. It could be more expensive to do a roundabout, but in this instance it would be pretty similar, the installation costs if you include the pavement for the traffic signal.

Commissioner Boley: Can you compare the annual maintenance costs?

Dave Cronin:  
City Engineer Well, we looked at that before, and I think it's the electricity costs are in the thousands of dollars, \$5-\$10,000.00 a year. I don't have the numbers in front of me, but the maintenance costs for a roundabout is the Parks and Rec Department maintaining the landscaping, and so there's certainly a cost to that. I know we keep increasing their workload with the roundabouts we put in by decreasing our traffic signal technicians' time, so there is some cost, but you have the less electricity costs and there's just routine maintenance. We go out and replace light bulbs and wiring, and the cameras last about 10 years, and so we're trying to fund replacing a lot of our intersections now, the cameras on them as the technology changes, so there's some other costs down the road that also go in with the traffic signals that aren't there on the installation.

Mayor Farmer: Okay. Any other questions for Dave? All right, other comments from the Commission?

Commissioner Herbert: I'm not a big fan of roundabouts. That might be an

understatement, but even more so than my dislike of roundabouts might be my dislike of wasteful spending, and so I see we have the opportunity to fix an intersection for \$60,000 versus \$600,000. That's a pretty persuasive argument to me. I don't know that you'll see me voting for a lot of roundabouts that we're funding fully ourselves, but is we can get a 90/10 federal grant, that's a little different situation in my eyes.

Mayor Farmer: Okay.

Commissioner Amyx: My big deal ... David, understand. I'm sorry I'm a little short, but the deal here is that I'm not a fan of roundabout. I'm sorry, Michael. I wanted you to know that, okay? I would have thought that we would have done a better thorough investigation of all types of safety improvements at that intersection or all intersections. I just thought that that's what we were going to be doing, and it seems like roundabout was the only thing, so that's where I'm at, but go ahead.

**Moved by Vice Mayor Soden, seconded by Mayor Farmer, to accept Federal-Aid Highway Safety Improvements Funds in the amount of \$600,000 for intersection improvements for the construction of a roundabout at Harvard Road and Wakarusa Drive. Motion carried unanimously. Aye: Boley, Farmer, Herbert and Soden. Nay: Amyx. Motion carried.**

3. **Considered approving a request to rezone, Z-15-00198, approximately 10 acres from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Shopping Center) District, located at 4300 W 24<sup>th</sup> Place. Submitted by Paul Werner Architects, on behalf of RPI LLC, property owner of record. Adopted on first reading, Ordinance No. 9128, to rezone (Z-15-00198) approximately 10 acres from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Shopping Center) District, located at 4300 W 24<sup>th</sup> Place. (PC Item 3A; approved 6-1 on 6/22/15).**

Sandra Day, Planner, presented the staff report.

Mayor Farmer: Any public comment on this item.

Vice Mayor Soden: I know this was really controversial in its original form where it was going to be a fun park. That is the property we're talking about, just to make sure.

Mayor Farmer: But it's not going to be a fun park.

Vice Mayor Soden: It's not going to be a fun park.

Mayor Farmer: Tell Peter not to put that on Twitter. It's not going to be a fun park.

Vice Mayor Soden: Not going to be a fun park, but I certainly don't really have any issue with this change we have in front of us.



Mayor Farmer: Any other comments?

Commissioner Amyx: You know, Mayor, I had the opportunity to vote against rezoning on this property I think a couple of times. The CN2 that is here, everybody's fine with all of the uses that fall into the CN2, correct? We're not going to see the bars and everything else, right?

Scott McCullough:  
Planning & Development  
Services Director We think the ones that might be questionable require special use permits, so that's your protection.

Commissioner Amyx: Here again, we would have, under a special use permit, hours of operation, everything that goes along, and anything that we felt protected the public health, safety, and welfare, we can place those conditions on an SUP.

Scott McCullough:  
Planning & Development  
Services Director Yes, sir.

**Moved by Commissioner Herbert, seconded by Vice Mayor Soden, to approve rezoning (Z-15-00198) approximately 10 acres from RSO to CN2, located at 4300 W 24<sup>th</sup> Place, and adopt on first reading Ordinance No. 9128. Motion carried unanimously.**

4. **Considered adopting on first reading, Ordinance No. 9129, creating the Affordable Housing Advisory Board to oversee and to make recommendations to the Governing Body regarding the Affordable Housing Trust Fund.**

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

Commissioner Boley: On 1-1806, "The purpose of the Affordable Housing Trust Fund is to acquire, rehabilitate, and develop affordable housing." Do you anticipate that the Housing Trust Fund would own housing?

Scott McCullough:  
Planning & Development  
Services Director No, I would not. The Trust Fund would be a source of income held by the city. The city would allocate funds to different organizations to actually own.

Commissioner Boley: But it would support the acquisition. It wouldn't actually acquire.

Scott McCullough:  
Planning & Development  
Services Director Correct. That's my understanding, yes.

Mayor Farmer: Questions?

Vice Mayor Soden: I don't have any questions. I guess I have comments.

Mayor Farmer: Okay, no questions? Scott, thank you. Public comment on this

item?

Ben McConnell:  
Justice Matters

Good evening, Mayor and City Commissioners. I'm with Justice Matters, and I am bringing a letter from Randy Weinkauff who couldn't be with us here today, the pastor of Immanuel Lutheran, who's chairing our Affordable Housing Trust Fund campaign. Do you mind if I approach?

Mayor Farmer:

Sure.

Ben McConnell:  
Justice Matters

Thanks, man.

Mayor Farmer:

You don't have to ask for permission to approach. Drew's not going to take you down over there.

Ben McConnell:  
Justice Matters

All right. I'll give you a moment to read the letter and then may reiterate some of the points to where we got here and then what we're looking at. From my understanding, what the conversation is tonight is really about the remaining funds in the Affordable Housing Trust Fund that is left over from the 2005 allocation, and what we'll find, we've done 7 months of research into the issue of affordable housing, specifically here in Lawrence, and we did about 35 subject matter experts and then read about a dozen different studies on the subject. Two of the experts that are coming in a week from Friday is a woman from the Center for Community Change who's helped about 75 cities and municipalities set up Affordable Housing Trust Funds and kind of has the cutting edge on that, and then another group from Vermont is coming in to answer some of your questions and help you figure this out. I think that's with an eye toward long-term visions for, as a city, how do we dig ourselves out of this crisis that's slowly been coming into the surface, which is the lack of affordable housing for people who are working here in Lawrence. I think tonight's conversation is really just about how do we demonstrate what's possible to build public support for the creation of Affordable Housing Trust Fund using the remaining resources that are available in the Trust Fund to date. There's a lot of history to the first allocation that's helpful to understand. The first allocation actually created 35 units of affordable housing, which is about \$14,250.00 per unit of affordable housing which is to remain permanent here in Lawrence and is in use today. The reason that you could get away with \$14,200.00 and some change per unit is because Affordable Housing Trust Funds across the country leverage public monies. For every dollar that cities put into affordable housing, it usually leverages about \$6.50 in attracting other resources, and that's exactly the history around the original allocation. When Habitat had that little piece of the pie, it kind of goes back to the matching idea that Commissioner Boley had, then they could leverage other public funds, they could get

donated properties, they could start rehabbing buildings and creating affordable permanent housing. That's the good history of the first allocation. The bad history of the first allocation is the advisory board was not designed with an eye toward creating affordable housing but was, if you go back to the original ordinance, you can see that there were concessions made to try to draw developers, mortgage bankers, and affordable housing advocates together and then hash out in the process of using those funds good ideas. The history around that was that there was a lot of debate and contention over how to spend this money. When we went back and did our research because we noticed that there wasn't an Affordable Housing Trust Fund, that's where the brakes started to get hit on continuing into this, because as Scott said in the staff report, there was an original study that called for an Affordable Housing Trust Fund, and then there was a second study done that was calling for another Affordable Housing Trust Fund. It asked for an allocation of \$500,000 annually. That dates back to 2007. The first study dated back to 1993, so we've repeated that, but the second study just fell flat. There was no other allocation because there wasn't a convenient excess property to sell off to go into affordable housing. What does that all mean? It means that if you can get the advisory board portion done well this time around with the remaining surplus funds, and we can demonstrate to the community and the public how we leverage \$1.00 of city funds with \$6.50 attracted money, how we come up with innovative ideas about affordable housing, how you get groups like Habitat to collaborate by sending volunteers to build, and Family Promise to come in and provide ongoing services to the families that need supportive services and housing, then you start seeing innovative, synergistic, as cliché as that word is, processes coming together. That's kind of our point for this allocation is let's set up this advisory board with folks who are directly in the know about affordable housing, and also I just want to say all of the other money that comes through the staff from the federal government, that Step Up to Housing Strategy, doesn't translate perfectly well to the needs here in Lawrence because it's coming from a budgetary decision-making body in Washington, and that's one of the strengths of an Affordable Housing Trust Fund is you can actually realize, "Oh, okay, you know what? The biggest limitation right now is the lack of transitional housing for women fleeing domestic violence, and kids aging out of foster care." We can take care of that problem right here at home and we don't have to try to figure out how to conflate the budget from the federal government to make that work. We're looking for a demonstration project. This advisory board that we recommended that the staff is supported in terms of just changing the ordinance we think makes sense, and we can use it for this allocation, revisit it as we consider a permanent fix to the shortage of affordable housing, and hear more from experts at the Affordable Housing Trust Fund

conference a week from Friday. I think that's the point in summary of that letter and sort of where we're at. Do you have any questions about that?

Mayor Farmer:

Questions for Ben? All right, Ben. Thank you. Other public comment? Hi, Rebecca.

Rebecca Buford:  
Tenants to Homeowners

I would like to address Scott's concern of if we're allocating money to ourselves, isn't there a conflict of interest. I have a couple of thoughts on that. One, as Ben mentioned, we're really trying to do a demonstration project where one allocation we really need the people who do affordable housing to successfully do a demonstration project. We feel all of the housing organizations that would be either having a staff representing on the committee or providing a volunteer or a board member, someone who is not paid staff, to represent them on the committee. I think we can all get along and work through any self-interest or any sort of issues of, "Well, I can recuse myself from this vote," just as you do when there is a conflict of interest. I feel like the negatives of conflict of interest are really outweighed by the positives of having the right people who want to do something and demonstrate something positive on this board. I also feel like there's a benefit to us collaborating. One, none of us do transitional housing only, so we're coming up with new programming to meet this need in the city. Having all of the housing providers at the table, working together cooperatively, to me is the only way it's going to be a successful demonstration project. I also feel like this allows for us to not duplicate services, have networking where we're all adding to the positive aspects of this program, so we bring our little piece to the table. TTH is used to building and actually developing housing. Family Promise and Housing Authority are used to services that allow people to stay in that housing. I think a collaborative effort really makes a lot of sense in that we're all at that discussion and at that table. I really think those benefits really outweigh any concerns about the board being self-interested in that way, that we want the people who do this to be on the board and represented and be able to do something successful for the community and that we can continue to talk about what makes sense on the board if we get to the point where we have a dedicated revenue source to continue this process. We're certainly open to looking at that and making sure that board is consistent and works as we go.

Mayor Farmer:

Thank you, Rebecca. Other public comment?

Shannon Oury:  
Lawrence-Douglas County  
Housing Authority

I'm the person who raised this issue. I fully intend if there's a Housing Trust Fund to seek grants from it, as do all the other providers. On the other hand, I agree that because we are the providers who do this in town, we need to be on this board, so there are certainly mechanisms that can be done, either non-

voting or a mandatory rule to recuse yourself if your item is before the board. It's just for conflict's sake and appearances' sake, the board really needs to recognize this up front and to have this problem solved on the front end rather than us actually trying to do this work and it ends up biting us afterward. That's why I raised the issue, because I do think it is something we need to deal with. On the other hand, the absolute last thing I think is appropriate is to slow down this process and to not get this board started and the Affordable Housing Initiative to continue to move forward.

Mayor Farmer: Thank you, Shannon. Other public comment? (None) All right, back to the Commission.

Commissioner Amyx: Mayor, real quick, a question. Toni, would conflict of interest, our basic policy of the city, would it come into play on any member that served on this particular board?

Toni Wheeler:  
City Attorney

The Commission talks about conflict of interest. We're talking about the state statutes that set out what a conflict of interest is. I don't think those necessarily would apply because these people would not be elected officials or government officials. We do have an ethics policy that applies to advisory board members, and so the terms of that policy may apply. I appreciate Shannon bringing this issue forward, and I think there are ways that we could build in some protections so that those matters can be addressed, but I do think that Shannon is correct that these are public funds, and the public wants to make sure that there is integrity in the system in which those funds are awarded, and we wouldn't want to have that clouded. I think that there should be some mechanism to put in place to give very firm direction on what would be appropriate if this board is going to be allocating funds. We put this ordinance together because you wanted it on this date, and it may be necessary for us to work on it a little bit more to make sure we've ironed out all the issues. We're trying to be responsive to your timeline, but we're certainly willing to work on it further if you give us some more direction.

Commissioner Amyx: If the board would not be making allocation. That final decision would rest with this body. It's to make recommendation?

Toni Wheeler:  
City Attorney

That is how we envision it, is that you will actually be making allocation, but they will be making the recommendations.

Commissioner Amyx: Okay, so do those potential conflicts come from a group that makes recommendations, and you may sit on a particular board that may be applying for money, or is it something they would have to step away from?

Toni Wheeler: Our ethics policy, and I don't have it in front of me, but it says



Mayor Farmer: Yeah, I had a couple thoughts. I don't think that what I got printed out from Monday is different from this, so if it is, just holler. The board members, I had a few suggestions on them. One of them had to do with number 7, and I'm looking at 1802, number 7.

Commissioner Boley: Page 7?

Mayor Farmer: Yeah, where is it?

Scott McCullough:  
Planning & Development  
Services Director There was an update, Vice Mayor.

Vice Mayor Soden: Okay, yeah. I see that it is different.

Scott McCullough:  
Planning & Development  
Services Director I'll just pull it up. There's number 7, right here.

Vice Mayor Soden: Then I will change notes to say number 4 and number 8, what I would do is I would have one person perhaps dedicated to transitional housing because I think that's what 4 and 8 were getting at with the Family Promise and Justice Matters, and so perhaps broadening the label to someone directly involved with transitional housing. The number 7 which I was getting to, so if we were to combine 4 and 8 into one person, that would still leave a ninth person available. I would suggest perhaps someone from Independence, Inc. or something like that, because in the original one that I have it talks about someone residing in assisted living, and when you read that you're not sure if you're talking about someone maybe in senior housing or perhaps more related to Independence, Inc. type of issues, so I did want to perhaps recommend changing that. In this case I would combine 4 and 8 to one person and then add a ninth person to someone more like an Independence, Inc. type of person. I support this change that Justice Matters has for the ninth person. Where they make it a little vague not necessarily someone specifically from the Lawrence Homebuilders Association, but just someone with a construction background.

Mayor Farmer: Other thoughts?

Commissioner Amyx: I don't mind us doing that, but I understand here the Homebuilders Association does have a lot of expertise in doing about anything that really needs to be done.

Vice Mayor Soden: I'm not saying that they don't. It's the same line where you have a Family Promise person and a Justice Matters person. I don't think it needs to be spelled out that specifically.

Commissioner Amyx: All the others are pretty specific.

Commissioner Herbert: I would argue that the letter from Pastor Andy makes it more specific, because it doesn't just say a builder, it says, "a representative from the construction industry with experience assisting aforementioned organizations in affordable housing construction." So not only does it have to be a construction person, but it has to be one who has worked within the confines of one of those organizations up there. I think that makes it more specific, doesn't it?

Vice Mayor Soden: It's not saying they have to specifically come from a certain organization.

Mayor Farmer: Okay, so far we're going to direct staff to change the verbiage according to what Commissioner Boley said in 1806, support the acquisition of. I like that change a lot.

Scott McCullough:  
Planning & Development  
Services Director

Mayor, I would like to add that Bobbie Flory, the Director of the Lawrence Homebuilders Association, did call today to say she couldn't be here tonight but was supportive of the ordinance as proposed with Homebuilders Association as part of that. I just wanted to report that to you.

Mayor Farmer: Okay. We've got a couple of things on the table. How do we feel about merging Family Promise of Lawrence and Justice Matters of Lawrence into one position, being somebody who is an advocate of transitional housing? Sure?

Ben McConnell:  
Justice Matters

Justice Matters isn't exclusively about transitional housing, just for that clarification. We just recognized there's 900 individual and families that are on waiting lists for affordable housing period, and then there are a significant number of people that don't make it onto that waiting list, about 75 people that are on a transitional housing waiting list. When you look at the words "transitional housing," it sounds pretty, but what it really means is some really ugly situations that people have a very hard time getting out of, and we heard that from those housing service providers that that keeps them up at night, and it started to keep a lot of us up at night, and so we started to care more about that as a first priority, but honestly we're angling for a long-term affordable housing fix with a short-term transitional housing priority. I don't think it's fair to cast us in the same place as Family Promise, and we would be certainly not on city payroll in terms of being on this board, but we just want to make sure that it's a good stewardship board because we're putting a lot of eggs in this basket and want to make sure that the demonstration project is as collaborative and as demonstrative as it can be. I see your point, but I think it's just a little bit of a misunderstanding that we're not exclusively about transitional



housing. This was also kind of harkening back to the original ordinance which has called for somebody from the faith community, which I think was just an effort to keep someone as good stewards on it, not necessarily ... and it got converted into Justice Matters, which we're okay with. Anyway, I would just say that. We just want to make sure that this demonstration is awesome, and we'll probably do that whether we're on the board or not, but it might be easier if we're sitting at the table when proposals are being discussed, but I don't really have a big dog in that fight. If it makes room for somebody else that needs to be on there, I think we'd be okay with that, too.

- Mayor Farmer: Okay, thanks, Ben.
- Commissioner Herbert: Family Promise is a faith-based organization, is it not?
- Commissioner Boley: I'm actually comfortable doing this the way it's laid out in 1802. I like the idea that the Homebuilders are going to be in there.
- Commissioner Amyx: The list looks good.
- Commissioner Boley: Yeah, and if this is a first stab at it, I think that's a pretty good one. I'd like to keep the Homebuilders in there and I'd like to keep Justice Matters. I'd like Family Promise to be in there. I'm happy with it.
- Mayor Farmer: Okay, but with the change in 1806, are there any other changes that we would like to propose?
- Commissioner Amyx: Did we want to address potential conflicts as part of this ...
- Commissioner Boley: Yes.
- Commissioner Amyx: And add that?
- Commissioner Boley: Yeah.
- Mayor Farmer: Okay. There's three of us, so we can give direction to staff to put language to address potential conflicts of interest ...

**Moved by Commissioner Amyx, seconded by Commissioner Herbert,** to adopt on first reading, Ordinance No. 9129, creating the Affordable Housing Advisory Board to oversee and to make recommendations to the Governing Body regarding the Affordable Housing Trust Fund; and, direct staff to come up with appropriate language regarding conflict of interest policy for the board; and the naming of the Affordable Housing Trust Fund, 1-1806 with revisions. Motion carried unanimously.

The City Commission recessed 7:24  
The City Commission reconvened at 7:31.

5. **Discussion of Neighborhood Revitalization Area Policy, economic development analytical tools, and plan for discussion of other economic development policies.**

Britt Crum-Cano, Economic Development Coordinator, presented the staff report.

Commissioner Herbert: Could you throw out an idea for where you think an appropriate application fee would be, because you had that chart where we put it at about \$3500 is the actual cost to the city. If I'm applying for an NRA for a business, in terms of my savings, should I receive that? Is \$3,500, is that going to be prohibitive in nature, or is that appropriate?

Britt Crum-Cano:  
Economic Development  
Coordinator I think that gets into the capital investment amount of the project and looking at the returns. Affordable housing projects are going to be tight, and so those are the types of projects that if you are thinking about lowering the application fee, you might want to take that into consideration. For commercial properties that are \$10 million, \$75 million, it's pretty much a drop in the bucket.

Commissioner Herbert: Let's just use a historical example here. The Eldridge Hotel project. They received an NRA. I don't remember exactly what their financial savings were as a result of it, or their projected savings, but if you were in charge, where would you suggest we put a fee for a project like that, an application fee?

Britt Crum-Cano:  
Economic Development  
Coordinator I personally feel like \$3,500 is appropriate for, again, maybe a capital investment project of \$10 million or more. If it's smaller than that, like the 1106 Rhode Island NRA where the project was coming in under \$1 million. It was a financial stretch, anyway. It was a historic preservation project. I think that would hurt them. I think that would have been a tough \$3,500, but maybe \$1,000.00.

Commissioner Herbert: Could we possibly use a progressive scale model where we're able to make those \$10 million, \$20 million, \$75 million projects pay an application fee high enough that those projects that are perhaps affordable housing projects or much smaller proposals, we could waive their fee entirely and not actually lose money? Because ultimately either way it's going to cost us staff time and resources.

Britt Crum-Cano:  
Economic Development  
Coordinator Right. I think that would be very appropriate, and I think the level of the capital investment could be used as thresholds, and again, if it's a \$1 million, or \$5 million, or \$10 million, or \$75 million, you could set those various

levels of what you felt was appropriate.

Commissioner Herbert:

Great, thank you.

Mayor Farmer:

Other questions for Britt?

Vice Mayor Soden:

Did you want me to bring up any suggestions for the application itself now, or do you want to save that for one of the study sessions?

Britt Crum-Cano:  
Economic Development  
Coordinator

There's going to be a little bit more on the application later on down the road. I have started to work on adding a temp list of public benefits at the beginning of the application. I personally feel, depending on if you want to go public versus private NRAs, there would be a completely different application for a public NRA, so it's my intention to bring that back for further discussion later on, and I think Diane was going to see if you wanted that to be more of a study session format or a commission format.

Diane Stoddard:  
Interim City Manager

I think we were talking about maybe doing that in August, so if you have any thoughts on that, that's kind of related to the calendar that Britt put together there, that maybe we can talk about the application in a little more detail. I think industrial revenue bond policy was the other policy item. There may be some additional policies that you all want to talk about, but providing us direction so that then we can get materials distributed to the groups that need to be involved in reviewing those. Bringing that back to you all.

Commissioner Amyx:

I thought we were just considering IRBs, NRAs, and that the direction was that staff was going to be doing the analysis at the 10-year, 50% level, and then we were going to establish what those ground rules would be, or what would be necessary for someone to request a greater than 50% rebate. I thought that's what we were doing. I didn't realize we were going to rewrite the whole deal, but that probably makes more sense.

Britt Crum-Cano:  
Economic Development  
Coordinator

That's perfectly up to you in terms of how the governing body wishes to proceed.

Commissioner Amyx:

Okay. It seems like those are the two that are the talking points that have been brought up. I don't want to see us get into a whole rewrite of our public incentive program. I really don't, and I'm afraid that may be where we might be heading on some of this stuff.

Vice Mayor Soden: I would be happy to give direction.

Commissioner Amyx: I know you would, Vice Mayor. I'm just saying for now, and understand we've got two other partners in this stuff also with the county and the school board. Anyway, just my recollection of what we talked about.

Vice Mayor Soden: I do want to state for the record, when it comes to the idea the public-initiated NRA; we already have a problem with permanent affordable housing on top of that. That, I feel, will directly go backwards from what we're trying to do, so I do not see me being interested in any public-initiated NRA over the broad area. I think I personally would stick to the private, as we're doing it now. Perhaps a higher bar, but I am not interested in spurring gentrification of our neighborhoods when we already have affordable housing crisis.

Commissioner Amyx: So Vice Mayor, let me understand this, a neighborhood could not come forward and ask for that consideration?

Vice Mayor Soden: I would like to see this neighborhood come forward.

Commissioner Amyx: No, I'm just asking. That's something that you would not be supportive of?

Vice Mayor Soden: I would like to see this happen, and then I will judge that, but when I see public-initiated, I think of City Commission initiating it.

Commissioner Boley: I don't think that's what the concept is.

Vice Mayor Soden: That's even better to here.

Commissioner Amyx: That's not something I would be supportive of.

Commissioner Boley: Britt, can you tell us a little bit more about the public?

Britt Crum-Cano:  
Economic Development  
Coordinator I think if a whole neighborhood wanted to approach you with the idea of considering an NRA for their neighborhood, then I would consider that. Again, I think the defining factors for me are the size. If it's a small one or two parcel with one or two owners, I would consider that private. If it's a larger neighborhood where multiple parcels could participate, I would consider that a public NRA.

Commissioner Boley: That would be generated by the neighborhoods, say?

Britt Crum-Cano:  
Economic Development Or the county may want to set up, or the city could set up.

Coordinator

Diane Stoddard:  
Interim City Manager

In most cases they really have in other communities been identified as a neighborhood area that the government wanted to spur some revitalization in, and so we were trying to make that distinction.

Commissioner Boley:

Maybe some more information about how they're being used in our neighboring communities would be useful. You mentioned that most of our neighboring communities have been using it as what we would call the public side, but I don't really understand what they're doing with it.

Britt Crum-Cano:  
Economic Development  
Coordinator

Sure. Most of them have maps and information that we can pull for examples on applications and eligibility requirements. I think it'd be very helpful for us to look at what our neighboring communities are doing and how they're using it in that manner.

Diane Stoddard:  
Interim City Manager

It really does vary quite a bit. Some of them are in downtown areas, some of them are in residential areas, some are very large areas, and some are more targeted. Again, in a way, that's the beauty of the NRA, because you can write the plan however you want to with whatever parameters. I would say that probably very few communities are using it in the targeted way that we're using it where there's a known project that we want to help. I am aware of the city of Ottawa using it in that regard a number of years ago, not too long after the NRA had been approved by the Kansas Legislature. There was one property in their downtown where there was a fire and they wanted to help it to be rebuilt, but there are very few examples of the way that we have been using it. We're probably the leader in the way that we're using it.

Commissioner Amyx:

That's good that other communities are able to do those kind of things, but from the discussion that I thought we had several weeks ago, our goal, as we talked about, was to have staff do the analysis again on the 10-year, 50%, and then rather than somebody coming to staff and then say, "We want to do a 20-year 95%," we would be the ones that would be making that decision or that direction, and that staff would do exactly what you say that you're doing right now, Britt, and that is saying, "We're looking at the 10-year, 50%. This is where we're at," and that any other changes to that would come from this body or the consortium of partners in this deal.

Commissioner Boley:

We've been through a lot of these study sessions, and

my memory isn't real great, but I think the other thing we did talk about was whether we should do a fee or not.

Commissioner Amyx:

Right.

Commissioner Boley

That was definitely on the agenda. Britt, I appreciate the work you're doing on this. I'm really pleased to see the thought you've given it, but I'm real interested in that 10-year, 50% and the fee.

Commissioner Herbert:

I gave this quite a bit of thought today, actually, and had an opportunity to sit down with a couple people this morning and talk about this. One of the things that we could think about, if we believe that there may at some point become a project that we believe is worthy enough to exceed that 50% mark, you want to be careful not to build a hard and fast rule that 50% is where we stop it. What about the notion of we have a city staff that puts together the spreadsheets for us that lays out very quantifiable things. The beauty of incentives is that it's very quantifiable. We come back and we say, "Well, this has a 1.2 rating," which means our cost benefit analysis. What about the idea of having the analysis done but without a staff recommendation? Because ultimately, they have the same information that we get, but when that staff recommendation is made, it puts them in an awkward situation, it puts us in an awkward situation, and that's where I think a lot of that problem is created, is that in the past we have staff that said "We believe this project will meet a 10-year, 95% rebate," and then where does that leave the Commission to negotiate from when the staff has made that recommendation? What I would like to see happen, perhaps, is that the analysis be done by the staff, which they're doing now, doing a great job, the analysis be given to the Commission body that makes that decision, but perhaps without a recommendation so that we look at it and then as a collective group we decide what we believe it warrants.

Commissioner Boley:

Well, Matthew, I disagree with one thing, and that is that these are easily quantifiable. One of the problems with an NRA is that they're not. The standard tools don't work with NRA, so we're off right off the bat. I want to keep it at 10-year, 50%. Our policy says that's a maximum which can exceeded, but I want them coming in at 10-year, 50%.

Commissioner Herbert

That's fine. I'm totally okay with their analysis, but in your opinion, do you think that the staff recommendation puts us in a difficult place to negotiate from? If I'm somebody applying for an NRA and I come before this Commission,

and the staff stands up and says, "We recommend granting this NRA," where do we go from there as a group?

Commissioner Boley: I say, if staff recommends we go with the 10-year, 50%, I'm okay with that. We can say we disagree with that, but I don't have a problem with staff recommending a 10-year, 50%, if that's what they think.

Britt Crum-Cano:  
Economic Development  
Coordinator If I could just clarify also, I try not to make a pointed recommendation. I try to work within the eligibility requirements and then basically state if it meets the requirements.

Commissioner Boley: Then it's PIRC (Public Incentive Review Committee) that essentially reviews it.

Britt Crum-Cano:  
Economic Development  
Coordinator Then PERK can go and discuss it as well. So therein lies the cost benefit analysis. If we have that it meets that ratio and that's part of the eligibility requirements that feeds into that, and so if you have a set 50%, 10-year level, you're eliminating the cost benefit ratio unless it's at will when you elect to have that analysis. It may make things a little simpler, because again, I'm just looking at eligibility requirements as defined by the state statute and our policy.

Mayor Farmer: Commission comments?

Commissioner Amyx: So the recommendation, staff brings the item forward and says whether or not it meets that threshold, and then our advisory board or our board makes that recommendation to this body. It seems to me to meet everything that we need to have met.

Mayor Farmer: All right, can we take some public comment?

K.T. Walsh I really appreciate Britt's work also. Reading everything you wrote made it a whole lot clearer to me after I read all that online. My question is, and it applies to more than just the NRA, is the difficulty when we the citizens are looking at a tax incentive, or NRA, or whatever, and what happens typically is that the developer who is proposing to get something does not reveal their figures. Everyone else has to reveal their figures. I don't know if this is a legal question, but what we run into is people say without this tax incentive, or this NRA, or whatever, this project won't pencil out. We don't know if that's true or not, and that may just be impossible. There may be some law saying developers don't have to expose their figures, but we never know, so that's a problem. Thank you.

Mayor Farmer: Okay. Thanks, KT. Other public comment? Okay, Britt, can you address those concerns?

Britt Crum-Cano:  
Economic Development  
Coordinator I was just going to address that. With a pro-form analysis, staff does have to look at very detailed financial projections. We're looking at the cost of the construction budget. We're looking at revenue and expense projections for an extended period of time. Usually it goes 15 years, possibly out to 20 years. We're looking at certain things like the PricewaterhouseCooper return on investments to see what properties in that class would typically pull, and yes, there could be several sets of books that a developer would give us. Maybe one for the bank and one for us, who knows, but if I feel that things are unreasonable, I ask for additional information and additional support to back up figures. It is also my understanding, and maybe Toni can help with this, but that financial information is highly confidential. It cannot be let out to their competitors or made public, so I believe it is exempt from the Open Records Act, but I did want to let you know that I spent a considerable amount of time looking at the numbers, meeting with the applicant, getting additional data, and that takes me far longer than a cost benefit analysis. Just wanted to let you know the inner workings.

Commissioner Herbert: I think that's why it's so important that we get an application fee as part of this process, particularly at a time when we have a little bit of a tight budget, maybe. We can't have our city staff working 80 hours unpaid. Obviously you're paid, but 80 hours on a project when the applicant hasn't paid a dime. Essentially everybody in the community is paying for their application at that point, and it shouldn't be that way.

Mayor Farmer: Okay. This was a direct staff as appropriate. Do we have good direction?

Diane Stoddard:  
Interim City Manager I think if you have any thoughts about any of the other items related to August and how you want to handle those, but again, we heard that there was some interest in talking about the IRB policy and then the application itself. However you want to direct us in terms of processing those, and we could go ahead and begin to forward the NRA draft to the appropriate bodies if you so desire with your direction this evening.

Commissioner Amyx Do we want to be specific in the language that we would be requiring for an applicant to get a greater amount than the standard 50%, or are we asking staff to write



that?

Diane Stoddard:  
Interim City Manager

Britt, would you pull up the draft that you have in there on that language? There is some draft changes in the policy that Britt went ahead and drafted for your consideration, so it does reflect that 50%. It's on later in her memo, so I just wanted to make sure that you all saw that. I think the only thing is we didn't include anything about an application fee in there, did we?

Britt Crum-Cano:  
Economic Development  
Coordinator

No, this was basically just a start of changes, and I had put the original copy in as well as the redlined version, which is here, and this is mainly just getting at the 10-year, 50% rebate level.

Diane Stoddard:  
Interim City Manager

That's the language section. This is where we're saying that it's the policy for the 50%, 10-year, and then they would still need to even meet that threshold, but then any other direction regarding any other analysis would need to come from you all. I think that this meets and still provides you the flexibility too.

Commissioner Boley:

I think tying into the vendor, the analysis by a vendor of the city's choosing is essentially where I'd like to go on that. Anything that's over our policy maximum is going to take additional study that would be at the applicant's expense with the vendor of our choosing, and you've got the language on that. I think that's a pretty direct tie into anything over 10 years, 50%.

Diane Stoddard:  
Interim City Manager

We could add some language on that.

Commissioner Boley:

I don't see the need to do that on anything 10 years, 50% or less, but once you get over that, that's where we start getting into that additional analysis.

Diane Stoddard:  
Interim City Manager

If you all are okay with us adding a fee amount in there, we can do that. Maybe two different thresholds, a lower one and a higher one. Maybe set the higher one so that it covers just a little more of our projected costs, because obviously those costs will change over time, too.

Commissioner Herbert:

If you could set that so it generates about \$1 million a year that would be awesome.

Diane Stoddard:  
Interim City Manager

We'll try to back into that figure.

Commissioner Herbert:

Just give or take. Give or take about a mil.

Diane Stoddard:

If this looks okay to start, we could go ahead and begin

Interim City Manager to circulate this around and then bring it back to you all for further comments.

Commissioner Amyx: Sounds good to me.

Mayor Farmer: I think that what would also be good is, and I feel like a broken record here because I feel like I say every time we talk about incentives, we have to find a way of instituting in our policies how we measure what currently is immeasurable, and we find a way to rather than having a ratio plus intangibles, we as a Commission have a better guide for determining whether or not a project is worthy of receiving any sort of tax incentives. Right now, we have a ratio that was kind of arbitrarily set that applies to primary jobs that Britt does a good job of modifying, per incentive, based upon all the inputs to try to come out with whatever that number is, but taking a step back and looking at more so than just the numbers. I know that you guys are interested in that and that's fine. What I'm more interested in is figuring out a way to let our policies give us boundaries and freedom and a guide for us to be able to determine whether or not a project is in fact worthy of these incentives, because right now I don't think it does at all.

Vice Mayor Soden: That's what I was trying to work with on the application itself.

Mayor Farmer: I think it's more than the application. I think it has just as much to do with a whole lot of other factors that really aren't taken into consideration. I appreciate what you just said about bringing in an outside review, Drew, because that's what you've articulated we would need to do to determine a lot of things that I know that I would have questions about. Right now I just don't feel like we have ... either one or two things is happening. Either our incentive program is completely broken and we need to get rid of it and never use it again, or we need to better understand why we have it and educate ourselves and the community on why it's effective and how it could be used as a tool to further economic development in our community. I think the answer therein lies in the second one more so than the first one, but there's so many misnomers about this, and I think rather than just pointing the finger and saying our community's uneducated about tax incentives, they need to figure it out, I feel like it's incumbent upon us to say we need to do a better job of articulating how they're used, and why they're used, and why they should be used, and the criteria and policy surrounding it. That's what I'm particularly interested in, and probably every meeting

we've talked about incentives for the past year and a half I've been saying that, but you all have to go along with it. Now's a good time...

Vice Mayor Soden:

In general, the two top things I want hear about. If we're going to get philosophical, then I'm going to tell you my big umbrella, permanent full-time jobs with benefits and affordable housing. That's what I care about. Those are direct outcomes that we're talking about. I don't even want to get into immeasurable or intangibles because to me, it's not meriting public incentives. Public incentives should have a very high bar to climb. It's public assistance. That's one of the things I like about Britt's changes that she's already making to the economic development application, that she's now labeling it public assistance, which is a more appropriate tag. Those are the two things that I'm interested in. If they aren't doing either of those, I'm really not that interested in it. I'll look at it, but it needs to have a big bar for them to jump for me to get on board with it. I don't think it's a matter of us needing to advocate for the incentives we have now. We just had an election. People lodged their complaints at the ballot box, and I'm sitting here now because of that. Letting everyone know.

Mayor Farmer:

Okay. Any other thoughts?

Commissioner Amyx:

I think we've got pretty good direction.

6. **Considered authorizing the Mayor to execute the Professional Services Agreement for the Executive Search Services for City Manager, with Ralph Andersen & Associates, in the amount of \$26,200.**

Commissioner Amyx presented the report.

Commissioner Boley:

I appreciate the work you all are doing. Thank you very much.

Mayor Farmer:

Public comment on this item and then well bring it back to the Commission. Is that okay? (None)

Commissioner Boley:

Move that we authorize the Mayor to execute the contract.

Vice Mayor Soden:

Second.

Mayor Farmer:

I want to say one thing really fast, and that is it's really, really important to me that we have city staff involved in the selection process, and I'd asked Toni about whether or not we needed to add that language to this contract, and she assured me that in fact we didn't, but I would hope that we would have a conversation about that when we're talking to them about engaging us, about who we

would want to be a part of that process and to help hire the next City Manager.

Commissioner Amyx:

I was under the impression, and Toni and Casey, Vice Mayor obviously helped here, that Greg will be in town. He will be meeting with the Mayor and the members of the Commission and staff members. I thought he was kind of going to be on his own a little bit.

Toni Wheeler:  
City Attorney

Under the board plan that he submitted, one of his first tasks is to come on site and meet with each of the Commissioners and get a confirmation of his overall plan for how to proceed, make sure that he is on board with what you all desire. I did have a conversation with him before tonight's meeting and told him that there was an interest in the Commission having certain members of the community and certain city staff involved. He said he's be happy to, if we wanted to identify those early, we could have that set up to coincide with that first meeting to get input on the position from them as well. You have the option of identifying those folks tonight if you want, and then we could set up the meeting with them and Mr. Nelson when he comes to visit with all of you, or you can wait until he arrives and talk, give him some direction on it at that time. Under the current contract, he is scheduled to be in town at three points. One, at the very start of the project to get that feedback from you, then he will go back and they will work on a position description and start their publication and advertising for the position. He will come back into town after they have a short list of candidates that they think that you should take into consideration, so he will come back at that time, go over those applications with you, and then he will come back a third time for the actual interviews. He will participate in the interviews with you all for the finalists. The contract does provide that if you want to have him come back at the very end to facilitate a community meeting that's sort of a meet and greet the final candidates, he can do that, but that would be an additional charge of \$1,250 plus his travel. That's the schedule he has identified or the plan that he's identified, so it's certainly up to you how you'd like to proceed. You can identify the staff you'd like him to meet with from the very beginning, or you can do that at a later date. It might be more efficient if you have that discussion now. We could get those scheduled and set up with his first visit when he comes to talk to you, but it's really your decision.

Mayor Farmer:

Okay.

Commissioner Amyx: Did you have a list?

Mayor Farmer: I have some ideas, but what I'll probably do since you're kind of sharing is I'll meet with you and get that to you, and then you can talk to Leslie and others. Is that okay?

Commissioner Amyx: Fair enough. I suppose I can ask the others for their recommendations also.

**Moved by Boley, seconded by Amyx,** to authorize the Mayor to execute the Professional Services Agreement for the Executive Search Services for City Manager, with Ralph Andersen & Associates. Motion carried unanimously.

**G. FUTURE AGENDA ITEMS:**

Diane Stoddard, Interim City Manager, outlined potential future agenda items.

**H: COMMISSION ITEMS:**

Commissioner Boley: I was going to bring up that item about visiting with John Nalbandian. You got some information from him. I had coffee with John, and he does consulting for Commissions, and I talked to Diane about that and she got some more information from him about what he might do. He said he'd be willing to consult with us essentially for free and give us some ideas. For those of us who are new, that kind of input is really valuable, I think. How we operate as a Commission, how we interact with staff. Just some of that stuff. Diane, if you want to go into any greater detail on that.

Diane Stoddard:  
Interim City Manager: I think one of the things he was talking about was the roles between the governing body and staff, and he had kind of talked about either a shorter time frame if you all were interested, or a longer time frame, and so I know that he had brought this up maybe a couple of months ago. Then I know that Commissioner Boley had talked with him and kind of requested the additional information, so we can certainly pass that on to you all. I just suggested to Commissioner Boley that that may be something to bring up to see if that would be a topic of interest that you all would like to talk with him about.

Mayor Farmer: He's great. I met with him and he offered the same thing, and he was one of the folks that I had thought to suggest in relationship to having somebody come and facilitate conversation about goals. He's great.

Commissioner Boley: I've been trying to educate myself a little bit more. I appreciate the chance to visit with him, and maybe we

could get Mike to lead the class. You've been around for a while, so I don't think you need this like we do. I'll just put it that way.

Commissioner Amyx: After tonight I probably need it worse.

Mayor Farmer: In a roundabout way, you may be right. Any other Commission items?

**I: CALENDAR:**

Diane Stoddard, Interim City Manager, reviewed calendar items

**J: CURRENT VACANCIES – BOARDS/COMMISSIONS:**

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

**Moved by Amyx, seconded by Herbert,** to adjourn at 8:26 p.m. Motion carried unanimously.

**MINUTES APPROVED BY THE CITY COMMISSION ON NOVEMBER 10, 2015.**

  
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Brandon McGuire, Acting City Clerk