



City of Lawrence

CITY MANAGER'S OFFICE

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CITY MANAGER

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CITY COMMISSION

MAYOR
MIKE AMYX

COMMISSIONERS
LESLIE SODEN
STUART BOLEY
MATTHEW J. HERBERT
LISA LARSEN

March 22, 2016

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 Amyx presiding and Commissioner Boley, Commissioner Herbert, Commissioner Larsen and Vice Mayor Soden present.

A. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Recognition of new City Manager, Thomas M. Markus.

B. CONSENT AGENDA

It was moved by Commissioner Boley, seconded by Vice Mayor Soden, to approve the consent agenda as below. Motion carried unanimously.

1. Approve City Commission meeting minutes from 03/01/16 and 03/08/16.
2. Receive minutes from various boards and commissions:
 - Board of Zoning Appeals meeting of 01/07/16
 - Community Development Advisory Committee meeting of 02/25/16
 - Horizon 2020 Steering Committee meeting of 08/31/15
 - Sign Code Board of Appeals meeting of 01/07/16
 - Traffic Safety Commission meeting of 12/07/15
3. Approve claims to 254 vendors in the amount of \$2,612,097.79; manual checks to 3 vendors in the amount of \$518.20; and payroll related payments in the amount of \$2,976,453.86, for a total claim of \$5,589,069.85.
4. Approve licenses as recommended by the City Clerk's Office.

Drinking Establishment

Jazzhaus of Lawrence
Richard E. McNeely
926 ½ Massachusetts Street

Expiration

March 16, 2016

Lawrence Hotel & Convention Center
Hulsing Hotels Kansas Inc.
200 McDonald Drive

March 20, 2016

The Hawk
Jayhawk Café Inc.

March 21, 2016



1340 Ohio St.

Retail Liquor

Kansas Crown Discount Liquor
Jennifer L. Ankenbauer
1215 West 6th St.

March 11, 2016

5. Approve appointments as recommended by the Mayor.

Douglas County Criminal Justice Coordinating Council:

Appoint Leslie Soden as the City Commission Representative.

Public Health Board:

Appoint Stephen B. Fawcett, Ph.D. to a position that would expire 03/31/19.

6. Bid and purchase items:
 - a) Set a bid date of April 12, 2016, for Bid No. B1611 – Replacement HVAC Units for the Kansas River Wastewater Treatment Plant.
 - b) Award bid for Bid No. B1605, Project No. PW1507 – 6th Street and Champion Lane Traffic Signal Improvements, to J. Warren Company, Inc., in the amount of \$346,846.00.
 - c) Approve change order for \$3,603 to Spencer Turbine for additional blower repairs, increasing the purchase order total amount from \$20,000 to \$23,603.
 - d) Award sole source purchase of a refurbished compact 4W laser system for the Police Department from Coherent TracER Laser for \$23,902.45.
7. Adopt on second and final reading, the following ordinances:
 - a) Ordinance No. 9205, to rezone (Z-15-00640) approximately 1.326 acres from CS (Strip Commercial) District to RM24 (Multi-Dwelling Residential) District, located at 2109 W. 26th Street (Villa 26 Apartments).
 - b) Ordinance No. 9207, amending Chapter VI, Article 1, Section 108.3 of the City Code, pertaining to the business licensing and fees of dog kennels.
8. Approve a Special Event Permit (SE-15-00621) for the Kansas Food Truck Festival located at 810 Pennsylvania Street. (Right-of-Way Permit was approved by City Commission on 3/1/16)
9. Authorize the Mayor to execute Supplemental Agreement No. 4 with the Kansas Department of Transportation for reimbursement of state access management funds for the consolidation of access points along 23rd Street, from Iowa Street to Louisiana Street.
10. Authorize the City Manager to execute a Development Agreement with Pie Five for the construction of a concrete median on 25th Street, east of Iowa Street, for an amount not to exceed \$3,971.00.

11. Approve a temporary use of right-of-way permit for the Lawrence Art Guild to close Massachusetts Street from North Park Street to South Park Street on Sunday, May 1, 2016, from 6:00 a.m. – 7:30 p.m. for the 2016 Art in the Park Art Fair.
12. Approve a street event temporary use of public right-of-way permit for the closure of Massachusetts Street from 11th Street to 13th Street from 6:00 a.m. – 6:00 p.m. on Saturday, September 24, 2016, for the 2016 Rev it Up Hot Rod Hullabaloo, as well as the use of parking along North Park Street and New Hampshire Street adjacent to South Park.
13. Concur with Traffic Safety Commissions recommendation to install a Pedestrian Hybrid Beacon on Kasold Drive at Riverview Road. (TSC item#2; approved 8-0 on 12/7/15).
14. Accept dedication of Tract A and C, Fox Chase South Addition No. 3 from Devco, Inc. and Marla, LLC., to the City of Lawrence.
15. Authorize the City Manager to execute a Personal Service Contract with the Center for Public Safety Excellence, in an amount not to exceed \$42,000, for design, development, and facilitation of a department strategic planning and community risk assessment – standard of cover process for the Fire/Medical Department.
16. Receive the 2015 Annual Utility System Development Charges Report.
17. Approve as “signs of community interest”, a request from the Lawrence Busker Festival to display temporary event signs promoting the 2016 Lawrence Busker Festival. The signs would be set out Sunday May 1 and removed Sunday, May 29 and placed at various intersections throughout the City.
18. Approve as “signs of community interest”, a request from Friends of the Library to place temporary signs around the City to advertise the Friends of the Lawrence Public Library Book Sale, from March 28 through April 4, 2016.
19. Authorize the Mayor to sign the Community Development Block Grant Loan Modification Agreement for Gabriel Gutierrez, 306 Clayton Court.

Vice Mayor Soden removed consent agenda item no. 5, regarding the appointments by the Mayor

Vice Mayor Soden:

The county created this new criminal justice council, and it's called the Douglas County Criminal Justice Coordinating Council, which is a very long one, and all the City Commission rep. It, of course, has our Lawrence Police Department chief, it has a Burton Nash person, a bunch of different stakeholders, you might say, decision-makers as well, which is the important part for criminal justice. We are really looking at, I don't want to say, revamping, but making some changes and maybe adding a mental health board and handling those issues in a more appropriate way. I am really looking forward to being on that, so thank you for appointing me to it.

Mayor Amyx: Sure. Any questions, comments? Any public comment on the appointments? No. Survived that part. Entertaining a motion to approve item number five, the appointments as recommended by the mayor.

Moved by Commissioner Boley, seconded by Commissioner Larsen, to approve the appointments as recommended by the Mayor. Motion carried unanimously

Commissioner Herbert, removed consent agenda item no. 13, regarding the Traffic Safety Commissions recommendation to install a Pedestrian Hybrid Beacon on Kasold Drive at Riverview Road.

Commissioner Herbert: I have no concern necessarily with the hybrid beacon or anything like that. I have a question if we are perhaps putting the cart before the horse, given that if you drive up Kasold headed north, you have absolutely no sidewalks from 5th Terrace all the way to Tomahawk. It's a stretch of road about a mile, and we're talking no sidewalks on either side, so it's very strange to me that I look at the agenda, and we're building a pedestrian beacon to allow people to cross when we haven't even built them a sidewalk to walk on. It seems like perhaps we're funding things in the wrong order.

David Woosley:
Traffic Engineer Mayor and commissioners, that actually was one of the reasons that the resident made the request, is because there were no sidewalks along Kasold. If they have the pedestrian hybrid beacon, they can cross at Riverview, and then there are sidewalks through the neighborhood to the east that can take them all the way down to Deerfield Park and Deerfield School. That was actually one of the reasons they made the request.

Commissioner Herbert: Okay. It seems like we're applying a Band-Aid when the problem is the absence of sidewalks, right? Instead of fixing the absence of sidewalks, we're remedying a solution to lead them on this vast network of roads, a way where there are sidewalks. It would be my preference that we would just build the sidewalks.

Commissioner Boley: Tell us about the 85th percentile speed limit stretch. It seems to me that that's important.

David Woosley:
Traffic Engineer Male: Yeah, the speeds are pretty high, and it's probably because that is a point where the speed changes from 30 to 40 miles an hour, plus, with the hill and the curve and the poor sight distance there, during the peak hours, there are virtually no gaps in traffic that a pedestrian could safely get across the street and see oncoming traffic in time to do so. I think the route through the neighborhood, to get to the park and the school, would actually be shorter than a pedestrian coming up to Kasold, then walking all the way north to Peterson, back over to Princeton Boulevard, and then back around Princeton Boulevard to the school or

park. I don't know the exact distance, but I think that it would be quite a bit shorter, walking through the neighborhood, and probably they would feel safer, too, walking on those low-speed streets as opposed to the higher-speed streets.

Commissioner Boley:

That's not to say you're not right about the sidewalks.

David Woosley:
Traffic Engineer

Correct. Absolutely.

Mayor Amyx:

How much of that sidewalk, what length of that sidewalk would you want to build along there?

Matthew Herbert:

I think that one of our priorities was to close the gaps. The sidewalk on the east side ends at U-Haul and on the west side ends at 5th Terrace, and it doesn't pick up again until the west side of Tomahawk. That is probably a mile stretch on a very ... Like you said, it's a very busy road. There aren't a whole lot of breaks in action, so we're not offering people a whole lot of options.

Chuck Soules:
Public Works Director

I might throw out, Commissioner, with the development of the Kasold project, from 6th to 15th, we were looking at including within that project that extension of sidewalk north on Kasold, all the way to Peterson. That was one of the things. We were going to put it in as an alternate, see what the prices were. It is a significant project, but that was going to be part of that Kasold project as well. We have got to get that up to the Commission and have you guys discuss those different options, and then put that sidewalk in too.

Mayor Amyx:

Other questions of staff?

Vice Mayor Soden:

How much is a pedestrian beacon?

David Woosley:
Traffic Engineer

They can really vary. The one that we just did, out on 27th Street, we were able to do for under \$30,000. Some of them have cost up to \$50,000, but we already have some of the equipment that we would need for this location. The street division able to do the sidewalk work, it will be able to be done within the Public Works budget.

Mayor Amyx:

Would you say that we have some of the beacon already?

David Woosley:
Traffic Engineer

Some of the equipment we already have in stock that we would use out there. The controller that is about \$8,000 or \$9,000 just for that.

Mike Amyx:

Okay. I think that the hybrid beacon is important, but, like Matt, I am thinking that the sidewalk is equally important in this case, so I am glad to know that a sidewalk as part of the other project

needs to be considered as part of this. It doesn't make sense to add something ...

Commissioner Herbert: A pedestrian beacon doesn't help anybody actually maneuver the street. Once they finally get there, congratulations, you survived Kasold for a mile stretch, and now we'll let you cross safely. It doesn't really seem to be an actual solution to the problem.

Mayor Amyx: Okay. Any other questions? Public comment.

Matt Eichmann: I am the individual who first brought this issue up, to the Traffic Safety Commission.

Mayor Amyx: Thank you.

Matt Eichmann: I would like to address the concerns that Commissioner Herbert brought up. I live on Riverview Street, so the issue very much is getting across. I would love to see sidewalks on Kasold as well, but putting sidewalks on Kasold is not going to solve the problem of being able to get from the west side over the east side, to get my kids to school at Deerfield, to be able to get down to the playground or to the City park, which is the park for our neighborhood. As was pointed out, even if sidewalks were to be put in, yes, I would have to walk to Kasold, walk far north on Kasold, then back east and then back to the south, to get there. This is solely for an issue to be able to get across, walking or on a bicycle. When I first brought this up, a couple of years ago, I had asked for a four-way stop because there is an issue even with site distance, even for cars, trying to come from the west, but at the time the traffic study showed that there was not enough cross traffic to warrant putting in the four-way stop. Then I asked about sidewalks, and I was told at the time that sidewalks weren't in the budget or weren't being looked at, so this was the ... I was told to ask for this, that this would be the best scenario that we could get at the time. Like I said, I would love to see sidewalks come in, but it still wouldn't solve this particular issue, which is everybody trying to get from the west side of Kasold over the east side, to be able to use the City park.

Mayor Amyx: Okay. No questions on that? Okay. Thanks, Matt.

Matt Eichmann: Thank you.

Mayor Amyx: Other public comment on this item? Anybody. Again, back to the Commission. Again, I share your concern about the sidewalk, but I think that we go ahead and proceed with the beacon, with the idea that we put this on the radar, as it already is, with that Kasold project, but let's stay on top of it. Okay? Any other questions or comments? I entertain a motion ...

Moved by Commissioner Boley, seconded by Commissioner Larsen, to concur with Traffic Safety Commissions recommendation to install a Pedestrian Hybrid Beacon on Kasold Drive at Riverview Road. Motion carried unanimously.

C. CITY MANAGER’S REPORT:

Thomas Markus, City Manager, presented the report regarding annual reports for the Public Works Department and the Lawrence Douglas County Fire Medical Department; the American Public Works Association Project of the Year Awards; the American Public Works Association- KS Chapter Snow Roadeo Competition; the Monthly Building Permit Reports; and, the Safe Routes to School (SRTS) Planning Update.

Mayor Amyx: We’re very pleased about the ISO rating. I mean that is tremendous recognition of our Fire and Medical group and our Utilities Department so we’re very pleased about that and even though we didn’t get a whole lot of snow this year. I know that the guys worked hard at putting on a good show with the Snow Roadeo and the work that they did.

D. PUBLIC COMMENT:

E. REGULAR AGENDA ITEMS:

1. **Reconsider a request to rezone (Z-15-00471) approximately .972 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 1021 E 31st Street. Submitted by Richard G. Sells on behalf of Spirit Industries Inc., property owner of record. Consider adopting on first reading, Ordinance No. 9208, rezoning (Z-15-00471) approximately .972 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 1021 E 31st Street. (PC Item 7; denied 4-2-2 on 11/16/15) Referred back to Planning Commission by City Commission on 1/12/16. (PC Item 2; approved 5-2-3 on 2/22/16)**

Katherine Simmons, Planner, presented the staff report

Mayor Amyx	Questions
Commissioner Larsen	Could you put that map back up that showed the zone for that area on 31 st Street. I noticed in your table that you had indicated that there’re some contractors sales and services already in that area, but my understanding with the IG that’s not allowed. Is that one of the reasons why you’re rezoning?
Katherine Simmons: Planner	I think that the light sales are still allowed. That is not why they would be rezoned.
Commissioner Larsen:	Okay.
Katherine Simmons:	They are rezoning to accommodate the indoor ...

Planner

Commissioner Larsen: Just the indoor part?

Katherine Simmons:
Planner Yes.

Lisa Larsen: Okay. Thank you.

Mayor Amyx: Other questions? Okay. Thank you.

Scott McCullough:
Planning and Development
Services Director May I add that we would request that you declare any ex parte communication at some point?

Mayor Amyx: Okay. Why don't we go ahead and do that? That is since the last time that we met on this item. Okay? Does anybody have any additional ex parte other than the communications and correspondence that we have all received?

Vice Mayor Soden: I do want to get some clarification on that so that we know in advance that we need to do that, so I can start keeping lists of people that I talk to instead of having to sit here and brainstorm right now, who I talked to. That would be really helpful, to know in advance.

Scott McCullough:
Planning and Development
Services Director We can work on that for you.

Vice Mayor Soden: Yeah, that would be really helpful.

Scott McCullough:
Planning and Development
Services Director Advising maybe as an agenda item comes up?

Vice Mayor Soden: Yeah, maybe on the agenda item itself. Yeah, that would be great. Thank you.

Mayor Amyx: We probably ought to put it on future agenda items so that you would have plenty of time to look at that.

Vice Mayor Soden: Mm-hmm (affirmative).

Mayor Amyx: Anyway, okay, do you have any ... ?

Commissioner Larsen: Yeah, I had a meeting with the Director of the Boys and Girls Club.

Vice Mayor Soden: I talked to Jane Eldridge about it. I talked to about everyone I know about it, getting their input. Most people thought that it was

too complicated for them to have input. Jane Eldridge, of course, is very knowledgeable, so she had some.

Commissioner Herbert: No new, since the last time I declared.

Commissioner Boley: I talked to Colby Wilson.

Mayor Amyx: I did have a phone conversation with Colby, from Boys and Girls Clubs, and other than the emails that we always received, I think that was it. The applicant. Rick?

Rick Sells:
Applicant

I have been here before. I think most of us know everything that's been said and what could be said. When I was here, the last time, you guys tabled this and sent it back to the planning commission, and I had no idea what to expect, never been down that road before. As you know, they voted 8-0 that the 31st Street location was the best location. They argued for about an hour and a half as to whether they were going to re-vote on the zoning. Finally, somebody made the motion, somebody seconded it, and they voted it, and it changed from 4-2 against, rezoning it to 5-2, to rezone it, and now it's back to you, and it is in your lap. At the last meeting, I believe, you asked Mr. McCullough where he thought was the best location for this to be, and he said, from what he knew and what he had gathered, that 31st Street was the best location for this to be placed. I think everybody agrees to that. The part that we're here tonight for is to see whether or not you're going to allow it to be rezoned from IG to IL. One of the things that keeps following this, and maybe I don't understand it, is this Gun Free School Zone Act, and I don't know if it is that everybody doesn't conceive the whole act or if they want to pick the parts of the act that gives them an excuse to say, "Hey, we've got this act," but if you read that whole act, it says that you can't have a gun within 1,000 feet of a school. It's a good law. I have a daughter in school, and I think it ought to be there, but the federal government, the people who run this United States of America, they wrote this law, and they came back in and said, "We've probably got some problems with this law in of the fact that if something happens at a school, and we need a police officer there, they can't go there with a gun on their hip." Lawrence High, they have one there. I'm not sure if Free State has one on it, all day long, but they have police officers there, all day long. If you're not going to take the intent of the whole law along with the exceptions, then we need to go up to Lawrence High, get with the school board and say, "Great law, but you've got a guy within 1,000 feet of a school, and he can't be here, which means he is breaking a federal law," which is a \$50,000 fine and five years in the penitentiary for him. Or, we can grasp the whole law, and the whole law says there are five exceptions. Three of them pertain to what I am going to talk about tonight. One is that an on-duty police officer can be on a school property, and that's probably a

great thing to have because some day there is going to be a problem there, and you're going to need a police officer. The other one is, if you are on a piece of property that's private. This piece of property is private. The third one is if you are a licensed agent of the federal government, which I am. I have two licenses through them. That's an exception too. If you take this whole law and put the exceptions with them, basically you can take the law and wad it up and throw it in the trash, and it has nothing to do with this, but for the past five months, it's all I've heard. I don't know if you people can't get your hands around it or not, but you're either going to have to accept the whole law or none of it. You can't pick and choose what you want. When this was presented to you, it was presented by the school district. Oh, my gosh, we have this Gun Free School Zone Act, and he's going to have a gun within 1,000 feet, but they never went on to say the exceptions, and you've got to take the exceptions along with the law to make it work. You can't pick and choose. All these circles and stuff on here, as long as it's on private property and as long as I am a licensed agent of the federal government, which I am, that law has nothing to pertain to what we're talking about. The issue is, you either need to rezone it or not rezone it, not because of that law, and I don't know if everybody gets that or if they don't. I said the same thing to the planning commission. You sent it back to the planning commission. I think it gave them time to look at the law, the whole law, not just parts of it. I think it gave them time to go out and look at the location. They were against it at first. They voted it down, 4-2. After they had time to look at it, they reconsidered. Maybe this wasn't such a bad idea. Maybe this was the best location in town to put this. It's out there away from anybody. Is there somebody near? Yeah, there is somebody near, but what is your definition of near, a foot, five feet, 100 feet, 1,000 feet, 5 yards, and 50 miles? What's near? There is no way that anyone is ever going to be able to put this type of business in this community if you can't give a definition of near. I've read all the negativity stuff in the newspaper and everything out there. They keep throwing up Deerfield. I think that's called Deerfield, or whatever it is, over there where that school is now. It's over a quarter of a mile away. As I told you before, for me to be able to build this facility, I have to find somebody who has a building that's big enough, and then I have to ask that person, "Can I go inside and build a building inside your building, out of 8-inch thick concrete walls and a steel ceiling so that we don't have any bullets getting out of here so that nobody gets hurt?" Now, if somebody in the parking lot or somebody driving down the road, or if somebody wants to do something stupid, it's going to happen. It doesn't matter whether I'm within a school zone or whatever. The Boys and Girls Club, they have made a big point that they think that if I am close to them, that it's going to hurt the way their club is run and what people think of their club. Right now they have two people ... one is to the north and one is to the west ... that are selling guns

and ammunition out of their house within two or three blocks of where they're at now. It doesn't seem to be bothering what they're doing. They want to go into this location, and they say me being 800 feet away is going to be a problem. If you turn around and go up the road, up there, 4,000 feet, on the corner of 23rd and Haskell, there is a pawn shop that sells guns and ammunition. What's too near? Is it too near because Rick is right down the street, and we can see his building? Is that too near, or is up the street to 23rd Street far enough away? No one has made that decision. No one has come out and said, "Rick, if you were just two feet farther away, we would let you do it," so I don't think that my business that I want to start is going to affect the Boys and Girls Club. I hate to beat a dead horse, but the last time we were here, the Boys and Girls Club had not even bought a piece of property to start building on. I am going to agree with you, sir. They are an integral part of this community. It's good thing. I am not saying the Boys and Girls Club are not good, but almost anywhere they go, they are going to be near a place that sells guns. You've got two Wal-Marts, you've got a Dick's Sports, you've got two pawn shops, and you've got 20 people in this town that sells guns and ammunition out of their house. If you looked at that map and saw all the red dots where the schools were, if you were to show every place that they sold guns, where are you going to put the Boys and Girls Clubs where it's not near, or somebody might think that they're selling guns or whatever? I don't think that is what this is all about. I think that it needs to be about Rick is trying to open a business. He is not breaking any federal laws. He's not breaking any state laws. He meets all the City and County regulations, ordinances, codes. The last time we were here, I believe, Ms. Larsen asked ... I don't know if he's here tonight. He was the legal department. She asked him, "Is he doing anything wrong?" and the gentleman said, "No." If somebody meets all the codes in the law, if they're doing everything that's right, if everybody that has looked at this has said, "That's the best location, on 34th Street," if we understand the whole law, it's back to you to make the decision, and it will be your decision as to whether I get the rezoning or not. One of the things that I don't understand, and I believe that Katherine just answered it, was I couldn't figure out why I had to be rezoned, and I thought it was because of sales. Seventy feet from this building that I want to go into is Fastenal, and they sell all day long, but it's not that. It's the fact that it's recreational-type building. If you have any questions, I would be more than glad to answer them.

Matthew Herbert:

As I understand it, the parcel, the way it is currently zoned ... and this question could be for you, Rick, or for Scott or Katherine, whoever else ... if you opened a gun sales business, if all you did was sell firearms and no one went in there and fired a firearm, would that be legal under the current zoning?

Scott McCullough:
Planning and Development
Services Director

I'll double-check, Commissioner. I believe it is. I think it is that the sales and distance support both needs the IL zoning, but I'll double-check.

Scott McCullough:
Planning and Development
Services Director

That's one of the distinctions that differentiates the limited industrial and the IG from a heavy use, is separating out that retail traffic component from IG, to try to separate the trucks and the retail patrons. I'll have to double-check.

Commissioner Larsen:

How does Fastenal get to sell items?

Scott McCullough:
Planning and Development
Services Director

I'm not sure what he means by sell, if he means that he ships orders out ...

Rick Sells:

They sell nuts, bolts, equipment, air guns, and air tools.

Scott McCullough:
Planning and Development
Services Director

I don't know anything about that property.

Rick Sells:

They sell about anything you can buy. They sell an air nailer that is a pretty handy little device if you want to shoot somebody with it.

Scott McCullough:
Planning and Development
Services Director

Where are they? Are they in the same industrial park? Are they in one of the IL properties?

Rick Sells:

Do you see where the building is located there, and then there is an IG to the left of it?

Scott McCullough:
Planning and Development
Services Director

Okay.

Rick Sells:

That building right underneath that IG is where they're located.

Scott McCullough:
Planning and Development
Services Director

I can't speak to that use right now without researching them.

Mayor Amyx:

Okay. Any other questions? Was that use, in that particular business, prior to the code change?

Scott McCullough:
Planning and Development
Services Director

It may have been.

Mayor Amyx:

It's been there quite a while.

Scott McCullough:
Planning and Development
Services Director

The code changed in 2006, was the code change.

Mayor Amyx:

Right. Any other questions of Mr. Sells? Tony or Randy ...
Thanks, Mr. Sells. Can you speak to this exception part of the
law?

Randy Larkin:
Senior City Attorney

Of the gun school, guns ... ?

Mayor Amyx:

Yeah.

Randy Larkin:
Senior City Attorney

It does not apply to private property, so you can possess guns,
you can discharge guns on private property. It can be right next
to a school, and the Gun School Zone Free Act does not apply
to it. It only applies if it's on public property. For example, if we
had it over here at the community building, or if there was
another school or other public property, it would apply. This
came about as part of the war on drugs in the 1990s, and
basically this was to tack on five years to people who were
selling drugs in and around schools. That is part of where they
came out of, so if you're on public property, then they can get
you for the additional five years. If you are not carrying guns
legally, on a public right of way, that's a violation. I have read
cases where a woman got five years. She was in public
housing. She rented it. It was public subsidized housing. She
got five years because she had a gun in that building. There is a
place out east where there is a park, and hunting is allowed in
that park, but it is also within 1,000 feet of the school. They drew
a line, actually put it there, and you can hunt to one side of that
line, and you can't hunt to the other side of the line, but the gist
of it all is that it doesn't apply to private property. This is private
property so the Gun School Zone Free Act does not apply.

Commissioner Herbert:

So if it doesn't apply, why do we even have the slides in our
presentation?

Katherine Simmons:
Planner

I can answer. We have the slides because that is the concerns
and the communications that came in, so we wanted to express
to you those concerns and communications and show you what
they were talking about as far as ...

Scott McCullough:
Planning and Development
Services Director

Commissioner, we were careful to include in our original staff
report a description of the act and that it did not apply.

Commissioner Herbert:

I guess I'm a little bit concerned about the fact that was
included. It seems a little bit like a false narrative that you're
presenting, if it doesn't actually legally apply.

Scott McCullough:
Planning and Development
Services Director

It's because it's been such a concern. It became part of the discussion and part of the reasons. When the planning commission saw it, both times, we were careful to advise, and they were careful to analyze it under the scope of all the golden criteria, not just that one bit of information. Commissioner Herbert, I did look it up. The retail sales are not allowed for these new uses in IG.

Commissioner Herbert:

Okay. Thank you.

Mayor Amyx:

Other questions of staff? Okay. Public comment? Yes, ma'am. You will be after him. Okay? How many people will we have that would like to speak to this? Okay.

Ken Easthouse

Good evening, Commissioner.

Mayor Amyx:

If you can, do about five minutes at most.

Ken Easthouse:
Prairie Park Neighborhood
Association

Five minutes? Yes, sir. As many of you know, I have been following this discussion from the first planning commission meeting, and unfortunately the tone of a lot of the discussion has proceeded rather predictably. Most of these people against gun range have focused on school zone closing or environmental dangers. Those people for have cited second amendment rights. Mr. Sells himself has cited his concern for the process, indicating he has felt persecuted by the City and by the entire process, for wanting to open a simple gun shop. One of the things that I do agree with Mr. Sells is, though, that this should be about his business and him wanting to open a business here in town, which I disagree with. I have opted to frame the arguments not as a matter of guns but as an economic detriment to the area. I have mentioned before the overall lack of a long-term plan for the area, particularly in light of the multi-million-dollar upgrades that the City, County and State have made to that intersection. Allowing one business to dictate the tone of this new intersection does a disservice to any and all planning for the future. We have already discussed and determined that Fastenal, for example, hasn't been rezoned even though they are selling some things in an IG area. Finally, I would like to ask some basic economic questions that may have been absent from the discussions up to this point, for example, how much sales tax revenue would be generated at this new site, how many employees would work here and at what rates, etc. These are basic economic questions that most other businesses are asked, when they are given any rezoning requests. Because everyone has been focused so much on the guns, we haven't necessarily asked the economic questions required, to see if this is really the best use of land after the City has invested millions of dollars into this new construction for the area. I ask that the City deny the request for rezoning, to allow us to do more long-term planning, to see if that is really the best

investment for our community. Thank you.

Mayor Amyx:

Thank you.

Shannon Kimball:
USD 497 Board of Education

Good evening, Commissioners. We want to reiterate to you our continued opposition to this rezoning request. Our opposition is based on the proposed location and how close it is to our College and Career Center. It is less than 1,000 feet away from the property that is at issue in the rezoning. Safety and security for our students and our staff have to be one of our foremost concerns, and despite some of the discussion that has gone on, we really do continue to believe that this detracts from the safety and security of our campus. Mr. Sells has talked about his interpretation of the Gun Free School Zones Act. Our interpretation is that it actually does provide us with some, though small, level of security that, in the public spaces around our schools, people are not allowed to have guns that are loaded and not in a locked container. Basically, what the statute says is that, if you are transporting a gun through a gun-free school zone, and you do not have a concealed carry license which, in Kansas, you are no longer required to have one. To have it concealed in your vehicle, that you are required to have it unloaded and in a locked container. Now, you have looked at the maps. You have seen where the zone falls. The path of travel, up and down Haskell, in front of our facility is going to be impacted by the location of this business. There will be people traveling up and down Haskell to access his range and his gun store. No matter what he says, he cannot assure that his customers are taking any appropriate action in regard to whether they are complying with this federal statute. It is not his responsibility as a business owner, since he is on private property. He is absolutely right about that. Our concern is that, by locating so close to our school, you are now putting the school district in the position of having people repeatedly not following those safety precautions as they access this business that is so close to our facility. Also, I wanted to touch on some of the discussion and analysis from staff. Now, at this corner, we have the College and Career Center, Peaslee Tech, the Lawrence Workforce Center, and the District and Boys and Girls Club have now signed an agreement that will allow them to locate their teen center on our property. We have signed paperwork to that effect. It is not just a discussion or handshake thing. We have actually approved that, going forward. The nature of this area has changed substantially from what it was, even two years ago, before we undertook the process of building this facility here. We're excited that we are in a partnership with the City and the County, to provide this kind of educational environment, but I've got to tell you, if this business had been on that corner before we decided to build there, we probably would not have selected this property as the location for our College and Career Center. That's part of our concern, is

that we have now invested \$6.5 million, and we're planning to invest more, in facilities on this corner, and have changed the character of the kind of facilities that are in this area. Now the applicant is asking you to come change the rules and let them do something different that we don't feel is compatible with the use that we have established. Finally, I wanted to point out a couple of things about process that I am concerned about and that I want you to think about. One is that, if you approve this rezoning, you are, in fact, setting a precedent now for any future kind of project like this that wants to locate near one of our schools. Be mindful that what you are saying is, okay, we are okay as a city with having this kind of facility within 700 feet of a school. We can't come to you the next time and say, "Whoa, this is close. We don't feel comfortable with this." The precedent has already been set. Second, holding the malls project up here and saying, "If you don't give me what I want at 31st Street, I am going to do it here," and asking all of us to look at the process through that lens, I think, sets an unfortunate precedent for the planning process in the City. Apart from the issues that the school district has with this particular location, I don't know that that is a healthy way to have the planning process proceed, and I would be concerned if that is something that a precedent is set to do and is how these things are decided, again, in the future. The board is continuing to ask that you please deny this rezoning request, and I appreciate your time this evening. Thank you very much.

Mayor Amyx:

Thank you. Other public comment?

Colby Wilson:
Executive Director
Boys & Girls Club of
Lawrence

Mr. Mayor, Commissioners, I appreciate the situation you're in. You want to make a decision that is best for all the citizens in Lawrence, and there is certainly a lot to consider here. Let me first be clear about the status of the Girls and Boys Club Teen Center project. We have secured over \$2 million, half of the funding that we need to build a facility that will serve thousands of middle school and high school kids, after school and during the summertime. As Shannon said, we have a legally binding lease intent agreement with the Lawrence School District to build on the land next to the College and Career Center. We have a partnership commitment from the District and the leaders of the District, to collaborate on education and career development programs that will significantly impact long-term economic development. If everything goes as planned, the new teen center will be open in late 2017. To be clear, this is going to happen. Together with our new teen center and the work already happening at the College and Career Center, and at the Peaslee Center, we are going to change many lives for the better. On the issue of the gun sale shop and gun range, guns are a controversial issue. The issue invokes strong passionate feelings in people, both for guns and against guns. You don't have to look any further than the media coverage and attention

that this issue has received to understand that this is hot button topic. Our issue is not with actual safety. I have talked to Mr. Sells, and I believe he has good intentions for gun safety and education. I looked for valid research and data that suggests that this is a safety issue for the Boys and Girls Club. I couldn't find any. Our concern is with the image and the fear that is associated with the business. The issue is not solely about facts. It's an issue about emotions. As leaders in this community, you are well aware that emotions motivate people more than facts. It's this emotional reaction to the business that concerns us. We are not anti-gun. We are simply anti-controversy. This new teen center project is good for all of Lawrence. It took the support of this community to grow into an organization that serves 1,500 kids a day, and it's going to take support from the community, again, to grow into our new teen center. From the financial support of our generous donors, to the families and young people participating in the program, we need all of Lawrence to be behind this project. We have been united by the goal to create great futures in Lawrence, and we hope you can understand our discomfort with being associated with a business that will bring controversy and division to the neighborhood. Both sites are problematic. Both are close to schools and neighborhoods, but only one site is across the street from the Boys and Girls Club Teen Center. That is the reason I am here, to speak for our organization, our families, and the kids that we serve. The Boys and Girls Club relies on the ongoing support from this community, a community that has united in the belief that the club is a safe positive place. Thank you.

Mayor Amyx:

Thank you. Other public comment? Anyone else? Yes, sir.

Chris Lane:

I have been here several times. I am for the gun range. The Malls location isn't the great location. We all know that the 31st location is by far the better location. That has already been established. We don't need to talk about that anymore. We also know statistically that gun ranges don't affect the area that they're in. Kansas City, other ... Kansas City, Topeka and several other towns have gun ranges in neighborhoods. They really don't affect how the neighborhoods react. In the past years, 4473's, the forms that you have to fill out when you do buy a gun, those have increased exponentially, especially because people don't feel safe anymore. They feel like they have to go out and buy a gun to be safe. If people aren't buying guns to be safe, if you are not educated to know how to shoot a gun, you don't know the laws about guns, or gun safety in general, a gun can be more hazardous than safe. You need a place to help educate people on how to use a gun and the laws behind guns because the majority of people don't know the laws that are behind them. Also, there are thousands and thousands of people in this town, in this City, that go and hunt every year.

They don't know the laws. They throw a hunting gun on the back of the truck when they drive through town. Chances are, they cross through three or four public school zones every time they do it, and there has not yet been one accidental shooting from that. It has already been going on, in the City, for years and years. As far as an economic standpoint, guns are the longest and most profitable industry that this country has. There are more ... the F150 is the number one-selling truck in the United States. There was a study done that there are more AR15s, which is a single gun, that are sold every day, every year, than the trucks, so there is more guns being sold than there are cars. Everybody is buying a gun, so this is something that the City needs drastically. Somebody is always going to be upset, no matter where you put anything. You are always going to have that. Even if it's something like an apartment complex going in there, you are going to make somebody upset. This is something that we have to deal with, that we have to compromise and work out, but there is no place in Lawrence that is better than an industrial area, that has been an industrial area ever since I have been alive. If we keep going, "Oh, we are changing this area. We are changing this area," you are eliminating where a certain business can go. Eventually, there is not going to be any more industrial areas in Lawrence to even put this business that would be safe. Why not put it in an area that was originally deemed for this kind of business? Other than that, we have already discussed everything that we have to do, so it's in you guys' hands. Thank you.

Mayor Amyx: Thanks. Other comment? Anyone else? Back to the Commission. Again, Katherine, the things that we have to look at, to consider a simple majority for approval, approval with conditions, or denied.

Katherine Simmons: Right. Yep.

Mayor Amyx: Nothing required as a super majority?

Katherine Simmons:
Planer Uh-uh.

Mayor Amyx: Because it went back to the Planning Commission. Okay? Thank you. Questions or comments?

Vice Mayor Soden: I do want to clarify that I personally wasn't asking for a comparative analysis of the two locations. What I remember saying is that I think The Malls location should be looked at separately. I wasn't saying that it should be looked at compared to 31st and Haskell. I think that sets up a false choice situation, and we should definitely avoid that. I agree with the comment that that is not the best planning process that we should be using.

Commissioner Herbert: Scott, is The Malls location as it is presently zoned ... ? In talking with Mr. Sells, originally, he had referred to this as plan B. As it is currently zoned, would it require commission approval?

Scott McCullough:
Planning and Development
Services Director No, sir. It's approvable. We would have made a determination, but I interpreted the direction to hold off, on doing that, until this consideration.

Commissioner Herbert: Okay. Can I ask a question of Shannon, then? Shannon, given what Scott said ... and I apologize. I am going to ask you to speak for the board. If you don't feel comfortable doing that, feel free to speak for yourself, then.

Shannon Kimball: Sure.

Commissioner Herbert: Does the school board have a position about the location at The Malls, given that it does not fall within the 1,000-foot buffer, but obviously Lawrence High is right there, the adult education center is right there. Does the board have a position, understanding that Planning and Development has told us that it doesn't even require Commission approval?

Shannon Kimball: I can't speak for the board on that because we did not take a vote on it. I can tell you that personally I am not any more comfortable with that location than I would be with having it at the 31st Street location. I think that there are lots of reasons that are a bad choice. I understand that locating a business like this is probably somewhat difficult because of the requirements of the building, but I reject the notion that there is no other place in town that this could possibly go besides these two locations. I see it as either/or that doesn't have to be either one. Honestly, there could be other places that this could go, and I think I would like to see the discussion center more around where it's a good fit based on the neighbors. I don't feel like either of these locations meets that test. Again, that is my personal opinion. I can't speak for the board officially on The Malls location. Thank you.

Commissioner Herbert: Thanks.

Mayor Amyx: Any other questions?

Commissioner Herbert: No, I think that covers it.

Mayor Amyx: Comments?

Commissioner Boley: I commend Mr. Sells on his interest in gun education and gun safety. That's a really important aspect as Chris pointed out. The problem that I have is that I feel like it's really important for me and for this body to be responsive to the concerns of the people

to whom we entrust our children. The Boys and Girls Club and the school district are two of the largest organizations in our community that deal on a day to day basis with the children and youth in our community, and I feel obliged to support them, as they voice their concerns.

Mayor Amyx: Okay.

Commissioner Larsen: I think that, during the last meeting, I spoke about the opportunity for portraying this to the board that the gun situation in the United States has only gotten more intensive, and I think that one thing that's lacking in this big picture is enough training to support all the guns that are being sold. I think it's important that, when an opportunity comes up that offers that training, we should support that. With the Boys and Girls Club and the school, I agree. They are an integral part of our community, but this business owner has every right to be here. There is nothing illegal about this according to our staff.

Mayor Amyx: Okay.

Commissioner Herbert: Yeah, this is a really tough one for me. Obviously, I work for the school district. I work 1,067 feet away from the proposed Malls location. The safety of children is not only important to me, it is quite literally my living. It's my career, so when I receive a letter from the Superintendent of Schools, my boss, and the school board, my bosses, that says, "We stand against this," that obviously has an impact on me. There is one thing that sticks out in my mind, and it was a comment that Colby made. He talked about facts and emotion, and he said that we make a lot of decisions based on emotion. When he was researching it, there were no facts to back up that this was going to create conflict, but the emotion, they're trying to avoid, putting something there that is going to be controversial, I think, is the word he used. One thing that changes ... and it's been a change that I've had to account for, in my own life, going from sitting in the room to now having to be up here, what always brought me to City Commission meetings over the years was emotion. You get emotionally charged about issues, you care about things, but ultimately, when you make the transition to now governance, we can't govern by emotion. Codes are not emotionally-driven. They are not subjective in nature. We have to govern by fact, and that leads us to make a lot of decisions that we don't emotionally agree with. I don't love the idea of having a shooting range near my school that I work at or near a school that my kid goes to or that my students go to, but when we govern, we have to govern by fact. Like you said, Commissioner Larsen, there is nothing illegal about what he's doing. I apologize if I am going off as being a little aggressive with this, but I do in a way resent the fact that the information we were given talked about the Gun Free School Zone. If we had recognized the fact that legally that

was not even an issue, it seems to me like that's presented in a way ... and I understand that the reason it's there is, the community, that was a lot of the anger was over a possible violation of that, but I think that by presenting it in the packet, we put it out there as though this is an issue we should look at. Let's look at the red circles. He's within the red circle. Let's a problem, but if that's not legally a problem, if that's the position the City holds ... and I understand if there is different interpretations, but if that is the position our legal department is going to hold, I am not sure that it has a place in the packet, and I certainly don't think it ought to have a place in our governing decision. If I am going off emotion, I say, I don't want it, but if we govern off of fact, we have no choice but to allow it.

Mayor Amyx: Okay.

Commissioner Larsen: I agree. That's a good point.

Mayor Amyx: Leslie?

Vice Mayor Soden: There was public comment that we have made a huge economic development investment into that area. I think that's absolutely true as well, and I do have concerns about that, so my thoughts are still the same as they were, a month or so ago, when I first saw this, so I don't think that we should rezone it, especially if there is a place that does allow it, that doesn't need to be rezoned.

Mayor Amyx: Hmm.

Commissioner Herbert: I think this is about where we were a month ago, Mike.

Mayor Amyx: I was going to say, it's the same deal.

Matthew Herbert: I don't know why we didn't start with you.

Mayor Amyx: We probably should have. I'll tell you what, the truth of the matter is, one of the things that has concerned me maybe has something to do with the school free ... the zone thing, in the fact that we made a decision to close our gun range that we had, in the community building, based on that law. I understand now why we had to do it, because it is a public building, and that was that. I am glad that's finally cleared up. One of the things that concerns me is that, in this particular case, when we closed that one that had been there forever, that nobody knew about in this room but probably me, the fact was, there is a lot of people, a lot of good people, that have used that range for a long time. That did concern me. The thing that we do have here is that ... and I think that the Vice Mayor just mentioned it ... we do have zoning in this community that allows Mr. Sells' business to go into. Obviously, he has at least a lease or some kind of

arrangement with the owner of The Malls shopping center. I, for one, would have concern about zoning this, allowing this use to go there. We talked about the schools and how close we are, based on the fact that we closed a facility that did the same thing inside the 1,000 feet. I understand that the 1,000 feet doesn't have anything to do with it, but in my mind it's hard to get that emotion out of the deal. Is this a better location? Here, again, everybody is right. That is something that we should not make the comparison to. We are not comparing sites. That's not what it's about. There are other sites in Lawrence, Kansas, zoning places that are already zoned, that would allow him to operate his business. I think that, because there are those sites and those commercial zones exist, to allow him to operate, I do believe that I cannot support the site that we're looking at, on 31st Street. Anyway.

Commissioner Herbert: Do you realize that is going to place it in the middle of a residential neighborhood, then, right?

Mayor Amyx: I understand that. I understand that, but, Matt, one of the things that I ask is that it's an allowed use by right. It's an allowed use by right. Does that make it correct?

Commissioner Herbert: Okay.

Mayor Amyx: I can't stop it in one.

Commissioner Herbert: Yeah.

Mayor Amyx: Damn, I hate making the big money.

Commissioner Herbert: Another thing to keep in mind is, we talked about Mr. Easthouse and his argument about the economic development. This is a vacant warehouse building. It is kind of hard to ...

Commissioner Boley: It's also industrial zoned in a way that a lot of property we have isn't. We need to ... don't lose track of that, we need industrial property in this town, and this is a great location for that, and here we are, down-zoning it, for something that could be done someplace else.

Vice Mayor Soden: Absolutely.

Commissioner Boley: That was a really good point, Kenneth, and you're right.

Vice Mayor Soden: The SLT isn't even open yet.

Commissioner Boley: Exactly.

Vice Mayor Soden: I don't think it will be vacant for long.

Mayor Amyx:

Again, because there are other zoned areas that this use is allowed by right, I believe that we have done our job. Okay? Any other questions or comments? Okay. I would entertain a motion on the zoning of approximately .972 acres from [inaudible 00:55:11] IL, located at 1021 E. 31st Street and whether or not we should adopt [inaudible 00:55:16] ordinance number 9208.

Moved by Commissioner Boley, seconded by Vice Mayor Soden, to deny the rezoning (Z-15-00471) approximately .972 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 1021 E 31st Street. Submitted by Richard G. Sells on behalf of Spirit Industries Inc., property owner of record. Consider adopting on first reading, Ordinance No. 9208, rezoning (Z-15-00471) approximately .972 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 1021 E 31st Street. (PC Item 7; denied 4-2-2 on 11/16/15) Referred back to Planning Commission by City Commission on 1/12/16. (PC Item 2; approved 5-2-3 on 2/22/16). Aye: Mayor Amyx, Commissioner Boley and Vice Mayor Soden. Nay: Commissioner Herbert and Commissioner Larsen. Motion carried.

2. **Consider the following items related to the HERE mixed use development at 1101 Indiana Street.**

- a) **Consider the Final Development Plan, FDP-15-00642, revising the approved plan for a mixed-use development at 1101 Indiana Street, reducing the number of parking spaces by 77, changing the parking operations from robotic to full-service valet, adding an access point to the parking garage from 11th Street, and limiting occupancy to only those uses supported by the reduced parking unless and until additional parking is provided. Deferred by City Commission on 1/26/16.**
- b) **Consider a parking meter fee and fine schedule for metered parking spaces on Mississippi Street and Indiana Street in conjunction with the HERE development set at \$1.50 per hour fee from 9:30 a.m. to 6:00 p.m. Monday through Saturday, excepting holidays, and a \$15.00 fine per violation increasing to \$25.00 after 14 days.**

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

Mayor Amyx:

Scott, a couple of things, going through the minutes of the January 26th meeting and I think you've already answered this a minute ago. I thought our direction I thought that our direction was pretty specific about working with the applicant and coming back with something that met code.

Scott McCullough:
Planning & Development
Services Director

Yes, sir.

Mayor Amyx:

As you said, this does not in any way meet code anywhere in our code book, right?

Scott McCullough:
Planning & Development
Services Director

Correct.

Mayor Amyx:

We would have to think outside the box.

Scott McCullough:
Planning & Development
Services Director

Yes.

Mayor Amyx:

The second part is, I had a discussion with you this afternoon about the authority given us to be able to make the decision on reducing the size of the parking spaces.

Scott McCullough:
Planning & Development
Services Director

Yes, sir.

Mayor Amyx:

Is that, or is that not in the code?

Scott McCullough:
Planning & Development
Services Director

My interpretation of the code is that, through the site planning process, which this is, a type of site plan, there is authority in the code to waive standards for good cause shown. We have used that authority on several different site plans. Typically, they are much smaller in scale. This is a bit unique. It's a little bit of uncharted territory for this type of project, but we believe the authority exists, and because the City Commission is looking at this, we believe the Commission has authority to grant the standards for the valet system here.

Mayor Amyx:

You would have had the authority to have looked at this through an administrative approval process, correct?

Scott McCullough:
Planning & Development
Services Director

I would have, but I would not have made that decision, typically, on something of this scope.

Mayor Amyx:

Where would you have sent that decision?

Scott McCullough:
Planning & Development
Services Director

I would have sent that to the Board of Zoning Appeals for review.

Mayor Amyx:

Okay. That's what I wanted to know. Thank you. Okay?

Vice Mayor Soden:

I have a question. Could we go back to the first floor of the parking slide?

Scott McCullough:
Planning & Development
Services Director

Yes. This one?

Vice Mayor Soden: Yeah. Where your red arrow is, the cars are going to actually exit from that direction. They're not going to come in, that direction. Unless there is some kind of physical barrier that I am not seeing from this map, I don't understand why they are not coming in there, and then they stay within the garage, to park the garage. The way that I understood what you explained, they actually come in, from the far left side, and then the valet picks it up by the orange, and then they have to drive back onto Mississippi and then come back in the building. Did I hear that right? Is there any reason why they can't come in the middle, and then they don't have to exit back out, on Mississippi? Maybe that's a question for the applicant.

Mayor Amyx: We had those discussions yesterday. It appears to me that every car that comes in has to leave that facility.

Vice Mayor Soden: Immediately, to go back in, to park.

Mayor Amyx: Yeah, to find a parking place.

Vice Mayor Soden: Is there a reason that you aren't using the middle entrance so that the car will stay in the garage, to be parked?

Scott McCullough:
Planning & Development
Services Director I don't think that there is a reason. It might be good to hear from the operators that do this for a living. I think that in some ways this gets people closer to their exit point into the building. If it's during those low turnover hours, I am sure they can respond to that.

Mayor Amyx: Okay.

Commissioner Herbert: Scott, when this was originally zoned, there are a lot of advantages that are received by the mixed-use zoning in terms of height and things of that nature. In looking at the blueprints of it, it appears they are making use of quite a few of those advantages. Based on the way the proposal was presented to us today, does this proposal even qualify still as mixed-use?

Scott McCullough:
Planning & Development
Services Director Yeah, it would qualify as mixed-use in terms of

Commissioner Herbert: What's the other use besides apartments?

Scott McCullough:
Planning & Development
Services Director With this phase, it does not, of course. They need to secure and recapture the parking that was lost with the robotic parking loss, to gain, regain those uses. One of the conditions is, unless and until that happens, they only get the residential use.

Commissioner Herbert: It feels like ... and you can correct me if I'm wrong. It has

happened before, but it feels like those 108 spots on the street were in effect designed to handle the mixed-use restaurant, all of that parking. It feels like what's happening is, we've taken the mixed-use parking to make the apartment living legal, and that begs the question how were we ever going to make the mixed-use legal?

Scott McCullough:
Planning & Development
Services Director

Right. I think that we have approached this, since being confronted with the issue of bankruptcy, as a multiple step solution. This is a temporary, hopefully a temporary, condition, but this doesn't in any way oblige or commit the Commission to making any decisions. Because you don't have anything else to decide tonight, we don't have any other option in front of you or even submitted ...

Commissioner Herbert:

Does it oblige them in any way to ever develop out the mixed-use? Could they literally stop at phase one and say, "This is the best we can do"?

Scott McCullough:
Planning & Development
Services Director

We would have to review that because it may have implications with some of the agreements that have been executed. I don't think ... I think that our position is, no, they need to pursue completing the project.

Commissioner Herbert:

Yeah, I know that is our position, but do we have any legal grounds to force them to ever do that, or could they legally stop at phase one and say, "We're not going to build out those 14 apartments or whatever it is. We're content with a giant apartment building"?

Scott McCullough:
Planning & Development
Services Director

I don't have an answer to that question.

Commissioner Herbert:

Okay.

Vice Mayor Soden:

Diane, do the performance agreements get to that question?

Diane Stoddard:
Assistant City Manager

The performance agreements talk about the general description of the property and the project, so it does talk about the number of units and the general description. I think that we talked about last time that it also described the robotic parking system and that kind of thing, in there, and I think that that would be something that we would need to shore up, in line with whatever final development agreement we would be ultimately approved here.

Mayor Amyx:

The NRA speaks to mixed-use development, doesn't it?

Diane Stoddard:
Assistant City Manager

Yes, it does.

Mayor Amyx: Then that would put that in question anyway.

Commissioner Herbert: Would the property tax abatement kick in, then, with no mixed-use, or would we have to wait until a later phase?

Scott McCullough:
Planning & Development
Services Director I think that's one of the follow-up questions that, I think, we need to discover upon approval.

Vice Mayor Soden: Is there any incentive that has to do with sales tax, or is it all just the property tax?

Diane Stoddard:
Assistant City Manager No, it's a property tax increment rebate program.

Commissioner Larsen: It seems that if they don't do a mixed-use, then the NRA goes out the window. Doesn't it?

Mayor Amyx: I would say.

Commissioner Herbert: Yeah, I think, the language ought to invert what you said, and the NRA ought to go out the window until the mixed-use is done.

Vice Mayor Soden: When is the NRA supposed to kick in?

Diane Stoddard:
Assistant City Manager The way that these work is, once the project is completed, and that was envisioned for, of course, this year ...

Commissioner Herbert: August, yeah.

Diane Stoddard:
Assistant City Manager They typically have a need to certify a substantial completion by December 1, to get it on the tax records, and then that starts the clock for the first year, and it is the first year's rebate is basically based on that full year, the first full year of taxes, on the finished project.

Vice Mayor Soden: That would rebate 2017 taxes? In 2018, is what I'm hearing.

Diane Stoddard:
Assistant City Manager Right, right. Let me take a peek here at this. We have a ... there is actually a chart in the performance agreement. Let me just refer to that here. Just a second and I will take a look.

Vice Mayor Soden: Thank you.

Mayor Amyx: While Diane is looking at that Scott, a question and since our obvious main concern here has to do with parking and whether or not this valet system works, and on and on and on, this will be handled by a private company, the valet services, I understand.

Scott McCullough:
Planning & Development
Services Director

Right.

Mayor Amyx:

You made mention a second ago that this cannot work as a customer parking lot. Correct?

Scott McCullough:
Planning & Development
Services Director

Correct.

Mayor Amyx:

What happens if this were approved, and the valet provider, the vendor here were to walk away, for whatever reason? Whatever happens, what would happen if we had an unusable garage that is nowhere near being able to meet the code? How much parking would be required to be built off-site, to be able to accommodate this building?

Scott McCullough:
Planning & Development
Services Director

They would need to make up 510 spaces somewhere, somehow, and we have tried to anticipate that issue with this condition number 2(a), which would be a note on the development plan that essentially commits the project to adhering to the parking operational plan dated March 2, which the developer has submitted, which is establishing the 24-hour, 365-days, for your full-service valet parking operations. Any change in that operations plan would need to be reviewed and approved by the City Commission, and any use of the garage in a fashion other than that would be a violation of the development plan, so that would be an immediate violation of the zoning.

Mayor Amyx:

But under no fault of his, the service walks away, and then we're left with a building, or a parking system, that is only going to be allowed to take care of, how many, 200 cars? 300 cars? I don't know. How many spaces are in that garage, that if it had to be a consumer parking space, how many spaces are there, and how many does that leaves us short somewhere else? Because there is going to be a time frame that we are going to be putting these residents, and the residents outside of the building, in a position ... These kids have got to park somewhere.

Scott McCullough:
Planning & Development
Services Director

I'm not sure, based on the aisle width that any amount of parking ... You might get a little bit of the front end of that garage as consumer parking. It would be made up with the street parking and the pursuit of additional parking at a different location.

Mayor Amyx:

Our code is pretty important.

Scott McCullough:
Planning & Development

It's very important. Yes, this is a new way of looking at this project, because of the bankruptcy that occurred.

Services Director

Commissioner Larsen: Scott, I have a question for you. You had indicated that if they don't follow this plan, it's in violation of the final development plan. What's the penalty?

Scott McCullough:
Planning & Development
Services Director At the end of the discussion, it could be withholding occupancy. Something of this scope, to the mayor's point, would start with notice of violation of the development plan. We would have whatever legal means we would have available, to require them to comply with the zoning. If that is an injunction at some point and some other lawful method to comply, then they would have that, but it would be an issue, for sure, in and of itself, if that were to occur.

Mayor Amyx: During the time frame, while these folks are attempting to find another valet service, however long that may be, and I don't know, there is going to be a number of vehicles that are going to have to find a parking place somewhere on our street, somewhere, I am going to guess.

Scott McCullough:
Planning & Development
Services Director Correct, correct. Or pursue other options, to remedy it, in a more immediate sense, try to get another operator on board would be the ...

Mayor Amyx: Maybe it's the kind of deal, it's easy to find. I don't know, obviously, anything about that, and I am sure the applicant will be able to speak to that, but here, again, when I say the importance of the code, the reason that we have one space per bedroom is so that these situations ... so that Matt or anybody up here can drive his or her car into that space, and it's there, so that's it. You will have to rely on somebody else.

Commissioner Larsen: I have one more question of Scott.

Mayor Amyx: Yeah, please.

Commissioner Larsen: Originally, there were 685 parking spaces. Is that correct? 36 of them were for shared use.

Scott McCullough:
Planning & Development
Services Director Shared, yeah.

Commissioner Larsen: Were all these spaces for shared use inside the garage?

Scott McCullough:
Planning & Development
Services Director When we ... They were. There were 108 spaces on the street, and then the rest of them in the garage, correct.

Commissioner Larsen: The spaces would have been ... ?

Scott McCullough:
Planning & Development
Services Director

They were all looked at as development project-related spaces. They weren't categorized as we are talking about them today. There were some assumptions made in the mixed-use district that the street parking, I think, as Commissioner Herbert mentioned, would essentially accommodate the non-residential uses, and that the garage would primarily accommodate the residential uses, but it did have space to accommodate other uses.

Commissioner Herbert:

That was the question we couldn't get an answer to, last time.

Mayor Amyx:

Okay. Other questions of Scott right now? Diane, do you have a comment about...?

Diane Stoddard:
Assistant City Manager

Yes, I did find that, Mayor. The NRA rebate schedule that is approved in the performance agreement, in the NRA plan, has the first year of the NRA rebate beginning with the tax year of 2017 so that it would be really effective in 2018, for 2017 taxes.

Mayor Amyx:

Okay. What else?

Scott McCullough:
Planning & Development
Services Director

Mayor, I would remind you of declaring, again, ex parte communications noting especially any substantive issues that aren't in the record, for the Commission to consider.

Mayor Amyx:

Now, I've got a question about that.

Scott McCullough:
Planning & Development
Services Director

Yes, sir.

Mayor Amyx:

The final development plans, I think, last time, when we did this, when we told our ex parte communications ... That was the first time I had ever done that on a development plan. Usually, it's only tied to zoning, so is this something new?

Scott McCullough:
Planning & Development
Services Director

You don't typically see final development plans. Again, those are administrative in nature, so as we have forwarded up our authority on this application, we think that it's in the best interest of the City to declare your ex parte communications. It's a type of quasi-judicial analysis.

Mayor Amyx:

Really? Okay. Have you got any other ones since January?

Commissioner Larsen:

No, other than I met with the developer for a meeting, regarding their parking valet system.

Mayor Amyx:

Leslie, do you have any others?

Vice Mayor Soden:

Yes, I talked to Jane Eldridge and Candy Davis.

Commissioner Larsen: Oh, yeah, I did, too. I'm sorry. I forgot.

Commissioner Herbert: I talked to Jane Eldridge. I talked to Steve Schwada. I met with you, you and the developer, at City Hall.

Mayor Amyx: Oh, yeah.

Commissioner Herbert: I believe that is it.

Vice Mayor Soden: Yeah, we met with the developers at City Hall. That was right after, I think, the staff.

Commissioner Herbert: Right.

Commissioner Larsen: Oh, you keep track.

Vice Mayor Soden: Yeah. See, that's what I mean. It's nice to be warned, so I can start keeping track.

Commissioner Boley: I met with the developers, Commissioner Larsen, Diane, and Scott, I think. I spoke with Jane Eldridge on the phone today. I can't recall any others.

Mayor Amyx: Okay. I met with the developers along with Mr. Herbert, Diane, Scott, and I think that you were there. It was the same meetings that you all had. We have received a number of email communications. I think, that everybody probably got those, and the only other person that I did meet was Steve Schwada, and I had met with him before, during the first time that we had heard this. Anyway, that's it. Okay. The applicant. If we could have your names for the record, that would ...

James Letchinger:
President
JDL Development LLC

Absolutely. Good evening. We were here back in January. I didn't have the opportunity to be here myself. I did get to watch it, and I did get to listen, and I have since followed up, I guess, in ex parte meetings, all disclosed, to discuss how we can solve this issue. We don't want to be in this position. When we originally approved this plan with the robotic parking, we were really excited. We thought that robotic parking was really going to be the wave of the future. It might be, one day. I hope it is. I believe in it. It makes sense. It works in other parts of the world. It just hasn't seemed to work in this country. When we were faced with this bankruptcy in late spring, or late summer or early fall, we weren't sure exactly how to handle it. At one point in time, we felt that we were going to be able to work with a different company to have a different system installed, but you have raised an interesting point tonight, which is, what happens if it doesn't work. We were petrified that we didn't have anybody to support this system, in that if it doesn't work, where are we going to park these cars? I know that parking is a major concern

of the neighborhood. It's a major concern of ours. Our residents are leasing beds. Not all of them, but many of them come to school with cars. We do promote at our HERE product, that kids don't use their cars. We really hope that they don't because kids and cars is not a great thing in a university setting. I know that kids under 21 never drink, but kids that are 21 and over do drink, and we would like to keep them out of cars. If they do bring their cars, and many of them will, we hope that they sit in the garage, and they use them to go back and forth, when they go home to visit their parents, or to go shopping on a Sunday afternoon. We are there to accommodate them. We must have parking for our tenants. We can't fill this building without providing parking. We did work diligently to come up with a new plan. Valet parking, let me speak to, we call it, human valet parking. I guess at this point there is no robotics, so we can call it valet parking. Valet parking is, quite frankly, in most places where it is used, considered the highest level of luxury. You don't have to park. You don't have to drive around and find a parking space. You don't have to go and get your car and walk down a dark aisle and then find your way out. It is typically used, and we do have consultants here tonight that can answer questions. I am not a parking expert by any means. I have built a lot of buildings with both regular parking and valet parking. Quite frankly, the valet parking is what we use in the most high-end buildings because that is what those people demand, so it is not a lower level of service. It's actually a much higher level of service. The reason we try to avoid it is, as developers, it is much more expensive to operate. You did ask a lot of questions about how all this would work. We weren't prepared in January to answer your questions properly. Thank you for having us back, and thank you for allowing us, the last 60 days, to answer those questions, to bring in the experts, to do the diagrams and do the drawings that were necessary so that you can feel comfortable that, when this does open, it will work. You raised a few questions tonight. I thought that we had covered all the questions, but you raised a few new ones. For example, what if they never activate the retail use? What if they don't find another parking solution or they don't activate it? To be clear, that would be a disaster for our project. We must have the retail. It is an economic driver of our project. It also helps with leasing. The kids leasing here are looking for those uses within the building, so we are going to find a solution for the retail parking. We are very close to that already. We took a cue from the last meeting, and we no longer pursue the historic district, in the historic building, but we have pursued another opportunity, and what we would like to do is, in very short order, come back to you with that opportunity. This is on our radar. It's being done as we speak, but what's critical tonight is to at least get the kids that have now signed leases, that are planning on moving into this building, get their spaces ready for them, for this fall, and open the building, and open the building within the context of what

you would allow, without a reduction in parking. We will reduce the number of units we occupy. We will reduce the number of retail until we satisfy the balance of the parking. Another question about valet parking. What happens if the valet parking operator goes away? I have the valet parking operator here tonight. They won't like to hear this, but they are not the only valet parking operator. It is far from a proprietary business. There are hundreds of valet parking people. They happen to be the biggest, I believe, and they're national, and they have tremendous capability, which is why we have gone to them for this, but if you go through any town, any city that has valet parking, I can't tell you how many young people have started their careers by saying, "Hey, I can do valet parking." You get a valet parking license, you hire some people, you work your butt off, and you become a valet parking company. That's probably how ST Parking, or what was formerly known as Standard Parking, started, 80 or 90 years ago?

Male person from the audience:

1929.

James Letchinger:
President
JDL Development LLC

1929. Can I say for certain that ST Parking is going to be the operator in five years, or that ST Parking will be in business, in five years? I have no idea. Can I tell you with certainty that there is not any issue replacing a valet operator at a moment's notice? We have done it many times, in Chicago, in buildings that we have valet parking. ST Parking will tell you that they have been kicked out of garages and brought back into garages because everybody is trying to get a better price, but there are many opportunities. We are not restricting ourselves or in any way creating an issue. Quite frankly, we have probably avoided what would have been a catastrophe, had we had the robotic parking installed, which we did have, in another town, and then have it inoperable because then we can't do anything with the space. It was a very expensive lesson. We were very far down the road with the robotic parking, not only at the other project that is done, but on this project, we had paid for a substantial amount of this robotic parking already. This wasn't, "Hey, we've got a better way to do this. It will be cheaper. It will be easier." Quite the contrary. This is a very expensive solution. It's the right solution, and it's the solution that solves and answers your questions. It deals with the code. It doesn't deal with the code from the underlying actual space size because we don't meet ... Some of our spaces are sub-8-feet, but it does allow for valet professional parkers to utilize those spaces. We provided numerous studies, numerous examples of garages all over the country, in small towns, big towns ... it doesn't matter ... that have satisfied this and have proven that it is not an issue. Professional drivers drive differently. When you are valet parking a car, you're not pulling up and trying to get packages out of your back seat or trying to get your kiddy carrier out of the

back seat when you can only open your door six or seven inches. That wouldn't work, but when you can pull up, into a comfortable driveway, unload your stuff and then allow a valet parker to take the car, it does work. That is the general sense of where we are. We appreciate all the questions that you've asked. I am happy to go through those questions tonight in further detail. I believe that we have done our best to answer them. I don't think there has been a question that has gone unanswered, other than new ones that came up tonight, but we are not going to leave you with ... Any question asked tonight will be answered tonight. You certainly are entitled to understand how this works, and you need answers. Somebody raised a question. Who was it, Mr. Larsen? Of turning, driving the other way? I can't remember who.

Vice Mayor Soden:

That was me.

James Letchinger:
President
JDL Development LLC

Oh, Vice Mayor. That's very possible. Actually, I sat there before you said it. I think you were listening to me, and I said, "Wait a minute. Why don't we go the other way so that we don't have to deal with going back out?" We will study that. I do have two consultants here with me tonight. I have Walker Parking, and I have ST Parking, both. Walker Parking is a national, maybe even international, parking design consultant, and ST Parking, who I have already referenced, is a valet parking contractor, who will be managing this lot until we fire them and put somebody else in, or they go out of business. I am here tonight to answer all of your questions. We have seen a list of questions. We have provided written answers, but this is a critical path. We are anxious to get this building open. I stated before that we are not asking for a parking reduction. We appreciate the importance of having all these cars parked. We appreciate the importance of having parking for the neighborhood and having parking for our residents, and we are providing that. We are providing it in a very expensive fashion, but it is the only thing that works, so we are here to tell you that we have run the traps, we have done the studies, and it works.

Mayor Amyx:

Okay. Questions?

Vice Mayor Soden:

Will you talk about the other parking that you're pursuing so that you can have full occupancy?

James Letchinger:
President
JDL Development LLC

It meets the code both as far as distance from the property ... It is in process. I can't speak to it because there are a couple of contracts that are being finalized, but we believe we have a plan that works. We have spoken with planning about it. It's not going to impact any other homes. If it moves forward as expected, it will have some other very substantial public improvement opportunities that go along with it that will be at our expense.

Vice Mayor Soden: I'm certainly glad to hear about that. When Jim Heffernan was here, of course he talked about how KU was in the process of doing something in the past and then we get a letter the next day from them saying this is not true. I want to have faith in you that you do have it in process that's-

James Letchinger:
President
JDL Development LLC
We have to have it. We can't operate this building at partial occupancy. We can't do it. I do believe eventually you probably would come back after some of our subsidies, and rightfully so. We will get the parking and we will get this open and complete, 100% open.

Vice Mayor Soden: Are you willing to amend the NRA to address that it will be the mixed-use building and that it can't have full occupancy and all of that until ... The things that we were talking about earlier, will you be amenable to the amending of it?

James Letchinger:
President
JDL Development LLC
I don't know what's involved in amending the NRA. I don't have a concern about doing it. I do not. We will have it open. We will have the balance of the parking. I can't speak to the process. It could be an agreement. It could be an agreement that we rebate your portion, until such time as we put that into place. I'm very comfortable doing that.

Vice Mayor Soden: Is it you that signs the NRA? Who signs it for you, for your operations?

James Letchinger:
President
JDL Development LLC
Me personally?

Vice Mayor Soden: Yeah. Who signs the NRA?

James Letchinger:
President
JDL Development LLC
The NRA was signed already, I believe.

Diane Stoddard:
Assistant City Manager
Mm-hmm (affirmative). It was signed by Jim Heffernan, Manager, and HERE of Kansas LLC.

James Letchinger:
President
JDL Development LLC
He's an authorized signer. I'm an authorized signer. I'm also authorized to make this decision.

Vice Mayor Soden: That's what I was getting at. Thank you.

Mayor Amyx: Matt, you had a question?

Commissioner Herbert: That was basically my question, just if they would be open to that.

James Letchinger:
President
JDL Development LLC

I hope you appreciate, and I believe you do, we realize we're asking for your support, and so we need to be flexible. We weren't ready when we came in January, and shame on us. There were a lot of unanswered questions. This is a complicated, very large project. That's why it took another 60 days to get back on the docket. There was a lot of work done. If that means that we need to talk about the NRA until such time as we have the balance of the parking, we'll do that. We are working with you. We're not trying to work against you in any way.

Commissioner Herbert:

In addition to the balance of the parking, I think my issue with the NRA is that the NRA was granted based on the fact that it was a multi-use development. I would hope as a city we're not going to grant an NRA to an apartment building.

James Letchinger:
President
JDL Development LLC

Yes. The parking activates the retail. Our hope is to actually have ... The bad thing is in apartments, the leasing cycle for college apartments is they move in in August or you lose a year. For the retail, we believe by the end of the year we can have the retail parking satisfied and be able to open the retail as early as January of next year. We're very anxious to get the retail in there. We've had inquiries. We can't sign a lease with anybody, we can't make a deal with anybody until we can give them a certain date.

Commissioner Larsen:

Your offsite parking doesn't have any connection to KU at all, does it, and using any of the KU parking that's over there?

James Letchinger:
President
JDL Development LLC

We're not using any existing parking at all.

Lisa:

None?

James Letchinger:
President
JDL Development LLC

No, all this will be new parking. We'll be adding parking, not taking anything that exists today.

Mayor Amyx:

Are you at a point that you can answer how many additional parking spaces are we talking about on this other site? Can you answer that?

James Letchinger:
President
JDL Development LLC

If I can remember, the number is 119.

Scott McCullough:
Planning and Development
Services Director

It was over 100. It captured back to 77 and then some for the project to open the door to more restaurant use.

James Letchinger:
President
JDL Development LLC

It's actually in excess of the original parking requirement.

Mayor Amyx:

Any other questions of the applicant? Jim, do you have anybody else that you plan on having spoken at this point?

James Letchinger:
President
JDL Development LLC

I have my consultants here ready to answer questions. I think they have written statements that speak for themselves as far as how the garage will operate.

Mayor Amyx:

Question?

Commissioner Boley:

I'm interested in what you anticipate is the percentage of cars for your tenants that would be compact, economy style cars. We talked about that.

James Letchinger:
President
JDL Development LLC

Speaking from experience at other projects, we did do a survey. Just trying to see ... Do you have that answer of how many compact cars? I apologize. We did do the survey. I can look. A substantial number are compact cars.

Commissioner Boley:

I just wanted to try to get some estimate.

James Letchinger:
President
JDL Development LLC

What we did learn is that for the 7 ½ foot spaces, that the only garage that had even close to 10%, only in Lincoln, Nebraska, 9.6% of the cars would not fit in that 7 ½ foot space. In Champaign, Illinois, 2.4 of the cars that we actually have on site would not fit into those smaller spaces. The majority of the cars are smaller. That doesn't mean that somebody doesn't come in with their big truck. We can accommodate those cars. As Scott mentioned, we can accommodate ADA vans, we can accommodate as many ADA drivers as we have.

Commissioner Herbert:

The original, I don't know if it was January or if this was going back to the previous Commission, but I recall in the original minutes, I believe it was Jim Heffernan talking about the reasons to not use 11th Street because of safety concerns.

Mayor Amyx:

It's a very dangerous road.

Commissioner Herbert:

Yeah, it's a very dangerous road I believe is what he said. As it's drawn up now, we're back to using 11th Street. Do you disagree now with his original analysis that it's a very dangerous road?

James Letchinger:
President
JDL Development LLC

I won't speak for Jim. There are dangers to it due to the slope. That is why we don't have any street pedestrian driving access. It will only be utilized by the valet drivers. It will hopefully reduce the amount of use of that street. We would prefer to use it less. The bulk of the parking is going to be going in and out and staying on the lower level. The 11th Street level will hopefully be

used only for overflow cars. It definitely is not as good of an egress and ingress as we have on the...

Commissioner Herbert: Scott, is that 11th Street side where we reduced the right-of-way from 80 to 40?

Scott McCullough:
Planning & Development
Services Director It may be a reduction with this project. It may be narrower in Mississippi and Indiana.

Mayor Amyx: We made a reduction on the north side of that building, Scott.

Commissioner Herbert: I'm almost certain we did.

Scott McCullough:
Planning & Development
Services Director In terms of setback, or ... We didn't reduce, we didn't vacate any right-of-way.

Commissioner Herbert: Setback, I'm sorry.

Scott McCullough:
Planning & Development
Services Director Yeah, the setback per the MU district standards can go up to the property line, correct.

Matthew: That is on the 11th Street side then, correct?

Scott McCullough:
Planning & Development
Services Director Yes.

James Letchinger:
President
JDL Development LLC I don't believe around the property line though.

Scott McCullough:
Planning & Development
Services Director I don't think they're on the property line, but it's complying with the MU district standards.

Commissioner Herbert: Right and again that would not be the case if it weren't for the MU, correct?

Scott McCullough:
Planning & Development
Services Director For the MU zoning, correct, yeah.

Mayor Amyx: As we look, if you're coming up the hill going east, and if you looked at that turning radius that's got to be met to go into that building, is there enough room without going into the westbound lane?

Scott McCullough: Right, the City Engineer has reviewed this and finds that it's

Planning & Development Services Director going to work from a public improvement standpoint. There was quite a bit of discussion of 11th Street in the original project, and there were a lot of context around that in terms of parking, whether to put a loading dock on that street, pedestrian activity, and all kinds of things. You're right, Commissioners, it's not the street you want to load up with a lot of activity. It's unfortunately the only access point into the second deck of the garage.

Commissioner Larsen: You had indicated that the second floor is going to be used only for overflow parking. You had mentioned that. Is that ...

James Letchinger:
President
JDL Development LLC When I say overflow parking, a lot of these cars, a lot of these parkers are parking their cars for long periods of time, maybe it could be week to week, it could be they might leave their car there for the entire semester, so we will filter the cars typically at off hours that are going to be staying in the garage longer up to that, into that level, and park them, because we don't need to grab them as quickly.

Mayor Amyx: Anything else of the applicant?

Vice Mayor Soden: Yeah. We had talked about getting perhaps monthly reports. We don't need daily or weekly reports on the actual valet usage. That would be helpful.

James Letchinger:
President
JDL Development LLC You will have that.

Scott McCullough:
Planning & Development Services Director Vice Mayor, that's a recommended condition of the client as well.

Vice Mayor Soden: Thank you.

Mayor Amyx: On the top of this building, get away from parking for a second, do you have a large TV up there?

James Letchinger:
President
JDL Development LLC Excuse me?

Mayor Amyx: At the pool?

James Letchinger:
President
JDL Development LLC At the pool?

Mayor Amyx: Yeah.

James Letchinger: Do we have a TV up there? We do have a TV up there, yes.

President
JDL Development LLC

Mayor Amyx: Is it pretty large?

Commissioner Herbert: Are you moving in?

James Letchinger:
President
JDL Development LLC
My guess is its 60 inches?

Someone said: It's more than that.

James Letchinger:
President
JDL Development LLC
80? 90 inches.

Mayor Amyx: Have speakers with it? Large speakers? Just checking. It sounded like party central to me, but that's okay.

James Letchinger:
President
JDL Development LLC
These kids are here to go to school, Mayor.

Commissioner Herbert: Yeah, I did that twice.

Mayor Amyx: Thanks for assuring me of that.

James Letchinger:
President
JDL Development LLC
And to play basketball right now.

Mayor Amyx: That's right. Public comment? Bill. Five minutes, please.

Bill Mitchell: I can do that. Been a while since I've addressed this body. I almost came out of my retirement when HERE first came on the scene, but regrettably, I did not, not that it would've made any difference. Please don't compound the original mistake by allowing HERE to open with only partial parking provided. There is a reason they're not forthcoming with their plan to provide additional parking. Later, when they come to you with a rezoning request to convert some Oread neighborhood area to parking, like for example the old KU tennis court, on the north side of 11th Street, you will have given all the leverage to here. That's point one. Point two, to allow private entrance or exit on 11th Street is sheer madness. The congestion is unimaginable, as it will be on Mississippi anyhow, but the danger, narrow trafficked, sometimes icy hill is a traffic engineer's nightmare, although he seems to have slept through it. The second story of parking can't be accessed by anything but 11th Street? Why not put an elevator on the first floor, elevate these seldom-used cars on it?

Point three, did the City really allow the developers to make parking space an optional additional charge to the tenants, which will of course encourage tenants to hunt for parking in a neighborhood? If so, you now have an opportunity to claw back that oversight, if it was, because for the moment, unless you give it all away, we, the city, still have the leverage. An addendum, point four, the newly revealed parking meter plan, newly revealed to me anyhow, in the newspaper, having taken away a block or two of Oread neighborhood free on-street parking, you're giving the meter proceeds to here? Oh my goodness. What an interesting precedent. Do it for Weaver's and Free

State. I'm surprised that HERE didn't ask for free water. New Commission, profit from the old one's mistakes. Thanks.

Mike Amyx:

Thanks, Bill. Other public comment?

Jane Eldredge:

Mr. Mayor, I am handing out selections from our development code for each of you to see and write on and-

Mayor Amyx:

Thank you.

Jane Eldredge:

... Then you don't have to remember. The MU district has been an interesting development in Lawrence and I think it's been a very exciting one. I had the privilege and opportunity to work with the City staff on this ordinance. At that time we were trying to make sure that some of the mixed uses that existed in the Oread neighborhood were no longer nonconforming uses, but could comply with a zoning code and get the funding they needed for their operations. Specifically, I'm talking about the Jayhawk Bookstore, which was the first MU district that was approved. One of the things that are very important about the MU district, and you'll see that on the first page of this code, is that it shall include both residential and nonresidential. Unlike any other district we have, it is a mandatory both uses. It's not use residential or nonresidential, and that there are standards for the parking that are contained in our code and standards for that variation. You'll see on the second page the code things I have given to you. There are appropriate places for MU district, and those are somewhat limited. I've highlighted the ones that are near the university campus. It makes this a wonderful operation project near a university campus. Once again, on the third page, "Mixed use development shall include a mixture of residential and nonresidential, designed to form a pedestrian scale environment." When you've got the nonresidential there, the kids aren't going to be using their cars as much because they'll be able to get fed, they'll be able to shop, and they'll be there. They won't have to go anywhere else. The parking standards on page four of the code I've given you, they apply to all development in the MU district, in addition to the revisions of Article 9, "On-street parking shall be counted toward the

minimum of off-street." That's one of the unusual features of the MU district. Generally, you can't count the on-street parking as part of the parking if you've got an apartment house for instance. That only applies to streets that form the perimeter boundary or are within the mixed-use district. In a mixed-use district, you can use shared parking. That's my page number five. That, you can use that shared parking, because the idea is when you've got the retail and you've got the residential, people are coming at different times to use those, to take advantage of those uses. There are development bonuses that only apply in the MU district. I've included some of the lists of the bonuses. They have all been taken advantage of with this project, which is totally appropriate. You can redeem those bonus points for a number of things, which they've also taken advantage of, including reduction in minimum parking requirements. Now in the parking chapter alone, looking at page eight, "New development, unless otherwise expressly stated, the parking and loading standards of this article apply to all new structures built and all new uses established in all zoning districts." What about reductions below the minimum on page 10 of the code I've given to you? Reductions below the minimums apply to the number of parking and loading spaces. There is no explicit statement that it applies to the size of spaces. Those can only be done in certain locations. Where the property owner has a shared access point, that doesn't apply here. When it's waived by the planning director in accordance with 201305, I didn't include that in 2905, but what they refer to are what are called Schedule D uses, such as cemeteries, recycling facilities, facilities that you cannot have a planned out standard of how many parking spaces you're going to need. This is not a unique situation. We know how many residences we have. We know how much gross foot of nonresidential we have. The third choice is when a variance from the parking requirements is granted by the Board of Zoning Appeals based on the specific circumstances of the property. There's been no application to a Board of Zoning Appeals, and it wouldn't apply anyway, because the only things you can modify are the number of parking spaces. Another advantage only in mixed-use districts, as we've talked about, is the shared and offsite parking. They're on page 11 of the zoning code I've given you. Page 12 in the use of the off-street parking and loading areas, there are specific requirements dealing with vehicle stacking, minimum number of spaces, the design and the layout, the size. "Each stacking space shall be a minimum of 8 feet by 20 feet." This is the one place we get a size difference. If cars are stacking, you only have to have an eight foot wide parking space. "They may not impede onsite or offsite traffic movements or movements in and out of street parking spaces, out of the off-street parking spaces. Stacking spaces shall be separated from other internal driveways by raised medians, if deemed necessary by the City Engineer for traffic movement and safety."

Mayor Amyx:

Jane, it's been five minutes. I'll give you a few more minutes to finish up.

Jane Eldredge:

Okay, I'll try to get through this as quickly as I can, Mayor. Then page 13 deals with the minimum dimensions for disabled parking. Page 14 shows you the off-street parking areas, sizes, and the standards eligible for modification on page 16, and again, that has to do with the number of spaces, not the sizes of the spaces. I would say to you that this does not meet code for two important ways. The parking requirements clearly don't meet code, and the stripping out of parking spaces and making them all residential doesn't meet that mixed-use requirement. That is a code requirement for the MU district that give you all the benefit, provides all the benefits, and IRBs and your NRA agreements are based on the sales tax revenue that will be generated from the nonresidential uses. I think that the appropriate thing to do is to simply deny this application. What did these nice people with the grand idea do? It's really not your problem to solve. It is their problem to solve. It started from the very first preliminary development plan. One of the requirements of a preliminary development plan is to show the sizes and the scale of the parking. They showed us parking drawings with no sizes on them and with no scale so anybody could size them, which is why any time you've asked the question, "How many regular parking spaces could we have?" nobody knows the answer. Nobody's ever figured it out, not from the beginning. The approvals by the City Commission occurred in July of 2014, and just a few months later in September they were here asking for reduction of 100 parking spaces. Why? Because they thought they needed it. There was some irritation by that that Commission showed. They denied the 100 spaces, just as they had first denied the 95% tax rebates. The Commission said no, they went to 85%. First they say the project couldn't go without the 95% and all of a sudden with 85% it worked. I think if you deny it, they are going to find a way to do it. If you are trying to accommodate them as far as August residences are concerned, I think the only logical way to do it is to say, "Look, we need to reserve," count the spaces along the streets for the nonresidential, and then go in and stripe this garage for our standard parking spaces, and you can have as many bedrooms as our standard parking spaces will provide to you. That puts the leverage where it needs to be. That makes them move to get the retail going, because they'll get retail when they get more parking spaces. You also need to have them make the changes in the code. They should've told us the dimensions in the beginning. They didn't. It's not our problem. It's their problem. It is their problem to figure out how to get a code change. They've apparently got all the experts necessary to put on a good case for a code change. We're not their business partners. You have the big task of implementing and forcing and supervising our development code. If we're going to enforce development code

on small things like changes of use in a commercial district, we ought to be enforcing it on something this size. Thank you, and thank you for letting me run over.

Mayor Amyx:

Scott, would you talk a little bit about, I asked you earlier about the Board of Zoning Appeals, so Mrs. Eldredge brings up a point, if I understood it right, this would not be a project that would be eligible for BZA consideration on the reduction of the size of the spaces?

Scott McCullough:
Planning & Development
Services Director

Mayor, there are a couple of code sections not provided to you that are applicable in my opinion. One of them lies in Article 7. As a planned development district, it grants the City Commission alone the authority to reduce or increase the required number of spaces for any project.

Mayor Amyx:

The required number of spaces.

Scott McCullough:
Planning & Development
Services Director

That's one. I just want to be fair about the totality of the code discussion. The other's in Article 1305, which was referenced here, but not in its totality. In terms of compliance with City codes for a site plan, it talks about that improvements or modifications, I'm reading from the code, "Proposed and approved by a standard site plan review are required to be compliant with the standards of this development code and/or the community design manual, unless otherwise determined by the planning director to be waived for good cause shown by the applicant. The planning director may only waive code requirements if it can be demonstrated that the intent of the code is fulfilled and that the development project otherwise meets sound site planning principles. Standards not waived by the planning director will remain eligible for consideration of a variance by the Board of Zoning Appeals." I was trying to put that in a little less literal term earlier. When we're confronted with a site plan that seeks a modification or a waiver request and it meets what I believe to be meeting the intent of the code and meeting sound site planning principles, then I've got authority in this code to waive that. If I feel it doesn't meet that or there are some neighborhood issues working on an issue, then I typically would send that through the BZA process or the applicant would have that ability to seek a variance.

Mayor Amyx:

Other public comment?

Dan Dannenberg:

This whole project brings to mind the word "boondoggle." It's a sure example of how this City Commission form is a failed enterprise. I don't know how in the world we got to this point. The Mayor brought up a good issue. With this pool and the television screen, this is just a really great example for how the police department is going to be servicing this place quiet often. KU student wildlife is a nocturnal species that do most of their

foraging and imbibing of intoxicants after sundown. On certain days they do it in the daylight hours. When they can't do it at the HERE place, they will push it out into neighborhoods where they can drag their parties into residential rental properties and cause a general disturbance. Then those of us who are just merely citizens and taxpayers and lack erudition and intellectual capacity to be in one of the upper levels of the Lawrence caste system. The final point I'll make, then I'll shut up, this is a quasi-public enterprise, because they are getting tax incentives or rebates of some kind. That means that they need to be open and transparent about what's going on, number one, with their financials, number two, who owns the place, and number three, the plaque out front of this place needs to show who the owners are, who the City Commissioners were who approved the tax abatements, and who have ongoing authority over it. Also each year in the newspaper or the City website, they need to publish the amount of the tax incentive and the amount that they would've paid in real property taxes had they not had those incentives or rebates, so those of us who are like me, simpleminded, can know to what extent we're getting the shaft, in essence. That needs to be done on every single project that has tax incentives or abatements, and that needs to start immediately. Every single business around this city that has tax incentives and abatements needs to post that information at their expense and they need to put it in the paper once a year and on the City's website once a year. They also need to put that information in the public library. They are quasi-public entities and they need to be accountable to the public and not operate in the secrecy which this government so much cherishes, witness the Lawrence Chamber of Commerce. Oh, by the way, I have to say, I really do envy the new City Manager's hair.

Mayor Amyx:

Thanks, Dan. Other public comment? Any other public comment? Back to the Commission then. Oh, want to speak?

Janet Gerstner:

I appreciate the opportunity to be here tonight. This has been a great concern to me from the beginning. I used to live in Oread for 10 years and own property exactly two blocks from this site, and it's the short blocks. It's just over in the Ohio 11th Street area. I traveled 11th Street on a daily basis, and I was always amazed that that street was allowed to exist. I remember inquiring about it at the time. I was told that it didn't meet code, and I don't really know why, but that it was too skinny, or a substandard I think is how they referred to it. This project may improve 11th Street, I don't know, a little bit, but regardless, I know it will remain a treacherous road. It's of course very steep, as you're all aware, and very, very busy and congested there. Just out of curiosity, I looked online at robotic systems and they have wonderful videos that show how those work and so on, so I got a lot better idea of how those operate. I wish I would've

looked at those sooner. I did see that Boomerang still has a website although they do note they're in Chapter 11. I noticed there were several other robotic companies. I believe three others in the United States, as well as others internationally. I do understand their hesitancy of wanting to still pursue that, but that would be something still possibly on the table to consider, so I'll just throw that out there. Another thought I've had and I'm curious about is whether it would still be feasible to put an elevator or two for cars in. I think Mr. Mitchell mentioned that. It would obviously lose just a few spaces in providing the elevators, but it could then prevent that having to come out around, and then also keep them off 11th Street as much as possible, and maybe all the time, so that might be worth considering. In reading this new proposal, the meters really concerned me. It seems, if I understand right, that the City would be monitoring those. It seems like it's placing a burden on the city in an area that's not contiguous to our area of meters that exist. I don't know if that will take extra personnel or not, but certainly time. That just seems like a very strange precedent that we'd be allowing someone to create meters and then the City is the one responsible for monitoring those and providing the time on that, and then the money from those actually, as I understood it, would go back to HERE. That's an interesting situation.

Mayor Amyx:

Janet, just so that you know, the fines would remain with the City of Lawrence. Is that correct?

Janet Gerstner:

I didn't understand that. Okay. I'm very concerned about what will happen for the remaining parking. This is of course a very difficult situation. This is pretty much built out, this building, and so we have this situation. I don't really see a lot of wonderful solutions for you tonight in facing it. I found Mrs. Eldredge's suggestion very interesting tonight, about striping the garage as though it were under normal standards, and being used that way would provide leverage to see that something else happens. I'm concerned that if they're granted occupancy, that there isn't much leverage here to work forward on something else. I am concerned as to what will be proposed for that offsite parking. From the little that we're hearing, it sounds a little promising, but is it going to tear down buildings? Will it be a lot of impervious surface added in the neighborhood? Will it be a brand new tall parking garage? Then are we setting another precedent and starting the way of encouraging others to be tearing down houses and building parking garages or finding empty lots to do that sort of thing? It's not really what I conceive is conducive to an attractive or usable, livable neighborhood through there, so just many things that this raises. There are so many other things, but others have done a wonderful job of addressing those, and you have all asked wonderful questions tonight about the project, and I really appreciate your diligence and concern

about it. I guess mostly I'm concerned about any precedents, any decisions that are made setting precedents for the future that might make it hard on other projects to do them properly or to have leverage on those. Thank you very much.

Mayor Amyx: Thank you. Was there any other public comment? I would entertain a motion that we close the public comment portion at this time.

Moved by Vice Mayor Soden, seconded by Commissioner Herbert, to close the public hearing. Motion carried unanimously.

The City Commission recessed at 8:19 p.m., for 10 minutes.

The City Commission reconvened at approximately 8:29 p.m.

Mayor Amyx: We are back in session. This item of the final development plan for the HERE project, 1101 Indiana, is back before the Commission. Do you guys have any other questions, comments at this point?

Vice Mayor Soden: Yeah. I remember Scott, I think, saying that there was going to be the parking control official was going to be here, so I've been waiting to ask questions.

Mayor Amyx: She's here.

Scott McCullough:
Planning & Development
Services Director Teri Pierce, I think, is in the audience. Thank you, Teri, for attending tonight.

Vice Mayor Soden: Thank you for coming. First of all, I should explain in the agenda review meeting, I mentioned that I want to make sure we enforce it as often as we do downtown, and so I just wanted to know what we need to do to make that happen, I guess.

Teri Pierce:
Parking Control What we've got right now, when we're fully staffed, the person that has the cars are doing this, the lots, and we can send them up there a few times. Sometimes, we only get around a few times during the day. If that's something that we're being asked to do, then we'll certainly get up there.

Vice Mayor Soden: I'm wondering if we need to add another person.

Teri Pierce:
Parking Control We do have a part-time position that's open, but that position normally just covers Monday and Saturday. That may be something to look into or possibly just some different technology that might speed up things for us down here in order to do meters up there.

Vice Mayor Soden: When we were in Washington, D.C., the meters, they had credit

card ones. Actually, I went with a friend to have dinner and it actually texted them at 6:00 to say that the meter time was no more, or I guess not expired, but they only pay 9:00 to 6:00, something like that. At 6:00 he actually got a text that said that parking is now free, I guess is what I'm saying. It was really interesting technology to check out.

Teri Pierce:
Parking Control

Yes, there's a lot. Most of our areas though, with meters that we have, are not supposed to be really be paid all day long, like the 2 hour meters downtown, so if we did something like that, then people could just keep paying when they call and say your meter's about ready to run out. Also, some of that technology can be pretty expensive. There are credit card options definitely that are separate from the meter, just a sticker saying, "Call this number." There're a lot of different options that could be used for sure.

Vice Mayor Soden:

I want to make sure we aren't creating a burden on you guys and that you're able to staff appropriately. I think Diane, or maybe Scott, was saying that the applicant pays for the metering technology, whether it's just a coin meter or whatever.

Diane Stoddard:
Assistant City Manager

The meters and to the extent that there may be technology opportunities, and I certainly think that there's a lot of opportunity for us to look at the downtown in that regard. We have a long way to go in maybe adding technology to increase our efficiency there.

Vice Mayor Soden:

Yeah, this might be a good pilot program that we could check out. This has nothing to do with what we're talking about now, but I'm going to say I do like having people walking through the garage, because as a woman, I just like having more people in there, people working, and even if we expand it later into the night, I would have no problem with that, but I just like having people in the garage, but this is the street parking that we're talking about now.

Teri Pierce:
Parking Control

Certainly, we know that part of the reason that we're down there is to be there for people, because they ask questions and we answer their question, we don't just turn them away, and kind of ambassadors for the city, a first-time person that visitors see and whatnot.

Vice Mayor Soden:

Yeah, I like that.

Teri Pierce:
Parking Control

Yeah, it is nice.

Vice Mayor Soden:

Yeah. Thank you.

Teri Pierce:

Yeah, they think we get back a little too soon to the meters, but

Parking Control ...

Vice Mayor Soden: Yeah. I get hit every once in a while.

Mayor Amyx: Teri, and I should know this, how many parking spaces are there in the 800 block of Massachusetts Street?

Teri Pierce:
Parking Control 73.

Mayor Amyx: We're talking about a block and a half of parking to be able to go up and look at these, because there're 108 spaces up there.

Teri Pierce:
Parking Control I think they're on Indiana and Mississippi, I believe. They're split.

Vice Mayor Soden: That's true.

Commissioner Boley: You're going to have trouble finding a place to park.

Teri Pierce:
Parking Control We can park wherever we want. No, I'm kidding. Just park on the sidewalk. Maybe they'll have a space for us inside, I don't know. No, we'll work it out somehow.

Mayor Amyx: Thanks, Terry. Any other questions?

Vice Mayor Soden: I do have one last question. This is for everyone. The meters downtown, we pay them from 9:30 to 6:30?

Teri Pierce:
Parking Control 6:00.

Vice Mayor Soden: 6:00, 9:30 to 6:00.

Teri Pierce:
Parking Control Mm-hmm (affirmative).

Vice Mayor Soden: I just want to make sure I have that right. 9:30 to 6:00, and not Sundays.

Teri Pierce:
Parking Control No, just for you, but no one else. No, not Sundays. Monday through Saturday.

Vice Mayor Soden: I just want to make sure I have that. Thank you.

Teri Pierce:
Parking Control You're welcome. Anything else? No? Thank you.

Mayor Amyx: I'm not habitual this month. Other questions of staff?

Commissioner Larsen: This is actually for Chuck. HERE, I believe they are supposed to pay for part of the redo on Mississippi and 11th, is that correct? Have they paid that yet?

Chuck Soules:
Public Works Director We have an agreement with HERE to do a cost-share agreement to do Mississippi and 11th. We weren't able to put together the project that we bid, so next week on the agenda, we are going to reject the bid. We did receive the HERE's share of the funds, and we're holding them to re-bid it. We are going to add another portion of a private project that HERE needs done. What they're having is difficulty getting contractors to bid on bits and pieces. If the City's building the road and the HERE project is building the adjacent parking, how do you coordinate two contractors? Contractors are having a hard time, so we're going to put it all together, re-bid it, and we'll bring that back to the Commission. That's going to come to you next week.

Commissioner Larsen: But, they've paid their share?

Chuck Soules:
Public Works Director We have got their share, yes.

Mayor Amyx: Other questions, Lisa?

Commissioner Larson: This is for Scott. How many parking spaces would be in that garage if they were all designated code, our current code?

Mayor Amyx: We don't know yet.

Commissioner Larsen: Do we know that? We don't know that?

Scott McCullough:
Planning & Development
Services Director We don't know that. There's been no design presented that would space them out according to code with aisle widths to code. A significant number would be lost. I can't tell you for sure what that number would be.

Mayor Amyx: It seems to me, and not to just jump in here, but it looks like there're two directions that we can follow. These folks need at least some kind of decision by us. One decision to look at would be to say, "Okay, we don't want the valet. What we want is one space per bedroom." They got to go in, as suggested by Mrs. Eldredge, as one possibility, mark it off of what meets code and how many spaces is that. We could do that. The second thing that we could do, if we believe that there is good cause shown, we can approve the final development plan as recommended by these guys, by the applicant.

Vice Mayor Soden: With the partial occupancy?

Mayor Amyx: With the partial occupancy. Either way, it's going to have partial occupancy, because if we say, "Okay, we will allow you to ...

The valet, the human valet is out, but the human valet is out, we don't believe that that can work because of what happens if they're not there, even though it's been suggested we can find valet service anywhere, but if we want to stay within the code saying, "Okay, there are X number of spaces in there," we don't know right now how many that is, but that will match the number of units that these folks could rent out, correct?

Commissioner Larsen:

Yep.

Mayor Amyx:

If there're 200 spaces, they could rent out 200, or we could tell them, "We don't like this. You got to meet the parking code, whatever that is, and bring back a new plan."

Commissioner Herbert:

Scott, on the on-street parking, 108 spots, would that, putting aside the requirements for bedrooms, I realize you can't really ignore that, but ignore that for a minute, is the 108 spots alone enough to justify the mixed-use portion? If those 108 spots were dedicated to the mixed-use, would that allow for the mixed-use to be developed?

Scott McCullough:
Planning & Development
Services Director

Let me answer the question by reporting that there were 106 spaces required for the commercial component of the mixed-use building.

Commissioner Herbert:

Okay, because, Mike, here's a 5th or 6th option, however many you threw out there. My concern with this and evaluating it is that the entire agreement made with the City has been based on this notion of this being mixed-use. I don't want to speak for the previous Commission, but I've got to think that an NRA would've never happened had they come and said, "Hey, we want to throw up a giant apartment house," period. My thought would be, what I want to see happen is I want to see that mixed-use happen, and I truly believe that you want to see it as well, but in order for it to meet code, it almost needs to happen in the initial phase. If we devoted those 108 on-street spots to the mixed-use commercial usage, and we said you're allowed to occupy, or you're allowed to have occupancy within your building, the number of dwellings that you have exclusively in the garage, could we do that?

Mayor Amyx:

That meets code, the spaces in the garage that meet code, or with the valet?

Commissioner Herbert:

With the valet.

Vice Mayor Soden:

That's an interesting option.

Commissioner Herbert:

Because I'll be really ... Frankly, I don't like this project if it doesn't have mixed-use. I don't like it at all.

Vice Mayor Soden:

I'm concerned the empty storefronts will just look like blight.

Commissioner Herbert: I'd really like to see the mixed-use component. Certainly if they're receiving NRA on day one, the mixed-use has to be there day one. I think with the 108 spots there, I think it's feasible. Now they may have to temporarily, for a year, cut back on their occupancy of the apartments, but this would give them, as Mrs. Eldredge said, the motivation to make sure that additional parking happens, wouldn't it?

Mayor Amyx: Let me understand this. The 108 spaces on the street are dedicated to the mixed-use for the commercial component only?

Commissioner Herbert: Not to be counted towards the apartments.

Mayor Amyx: Then you're suggesting that this plan be followed?

Commissioner Herbert: We can have that conversation, but I think that my leading into that conversation would be to say yes, that we can look at the valet parking situation. I think that there's going to have to be at some level from all parties, some compromise, and I guess what I'm saying is that the part that I'm unwilling to give up is the notion that this will someday be mixed use. I know that they've said that it will someday be mixed use and they've said it will be a failure without mixed use, but I am really not confident going forth with an agreement when on day one there is zero mixed use, and we've got on-street parking that's devoted to housing.

Scott McCullough:
Planning & Development
Services Director

What that would look like, instead of the 592 bedrooms and no commercial, it would be all of the commercial and 510 bedrooms able to be occupied in the structure.

Commissioner Herbert: Is that feasible? Is it feasible to get mixed use on day one? Please.

James Letchinger:
President
JDL Development LLC.

It is feasible. Again, the retail, we've built the retail. This is not space that's going to be occupied by residents or any other use. To stress how important the retail is versus the NRA, getting the retail occupancy is worth almost \$10,000,000 to this development. We're still upside-down without that retail. The NRA is great if we have our retail in place. Without the retail, this project is really suffering. Could we reduce the beds and put the retail in place? We could. We want to work with you and we want you to work with us. We've presented a compromise of reducing the number of beds in the retail, and maybe we can even have a further compromise of 50% of the retail that's activated, because right now we don't have any retail users. We haven't been able to market it. We would hope to have them by the fall. We're open to suggestions. We want to get the building open. We want to exhibit that we're clearly compromising and working with you. We know it's our problem to solve. We think we've come up with a solution. The code issue has been raised

before. Unfortunately, the building was designed for a robotic parking system that didn't meet the code, so it physically doesn't work, so we are where we are.

Vice Mayor Soden: That's certainly a third plan that I would be interested in.
Commissioner Herbert: Mixed use, that's really important to me. Without mixed use, I don't know that I support this project period.

Vice Mayor Soden: Someone that lives near Hobbs Taylor Lofts for 10 years or so, every time I walk by there and see an empty storefront, I do not want that for that building.

James Letchinger: We don't either. We want to finish the building. We'd like to finish the entire building. We do believe we'll have another plan very shortly. If there's a compromise to reduce the number of beds further and activate the retail and use that street parking, it's in your hands. We're looking for you. We appreciate the fact that you're helping us find a solution.
President
JDL Development LLC.

Commissioner Larsen: How many bedrooms would that take it down to?

Commissioner Herbert: 510?

Scott McCullough: 510.
Planning & Development
Services Director

Commissioner Larsen: 510?

Scott McCullough: 510 out of 624.
Planning & Development
Services Director

Commissioner Larsen: Are they supposed to have some parking for guests?

Scott McCullough: That includes the guests.
Planning & Development
Services Director

Commissioner Larsen: That includes ...

Scott McCullough: I'm sorry, let me double check those figures.
Planning & Development
Services Director

Vice Mayor Soden: We still need to amend the NRA, put in there the 24/7 valet service, 365, or was that in the ordinance, I guess?

Commissioner Boley: I'm concerned about that because the NRA is going to expire. This has to be something that goes beyond the length of the NRA.

Vice Mayor Soden: Is there something else we could put it in?

Diane Stoddard:
Assistant City Manager I'm sorry, I didn't catch your question, Vice Mayor.

Vice Mayor Soden: The 24/7 365 valet service, what can we put that in?

Diane Stoddard:
Assistant City Manager I believe, and Mr. McCullough might comment on this, but I think that is a requirement of the development plan.

Scott McCullough:
Planning & Development
Services Director From a zoning compliance issue?

Diane Stoddard:
Assistant City Manager Right.

Scott McCullough:
Planning & Development
Services Director I apologize. I did not take into account some of the other uses. Basically what we have is 618 spaces provided, and I'm looking at our memo where we have a couple of tables here. There's 618 spaces provided, 510 to the valet garage, 108 of metered parking. If you take away the guest parking, the commercial space, and the eight valet employees, that leaves you with 486 bedrooms accommodated with the remaining spaces, 486. That's at full commercial build-out.

Vice Mayor Soden: 486?

Scott McCullough:
Planning & Development
Services Director Bedrooms, yes.

Commissioner Larsen: Bedrooms.

Scott McCullough:
Planning & Development
Services Director That converts to some amount of units, because there's one, two, threes, units.

Vice Mayor Soden: Is that feasible for you, four hundred and ... What did you say?

Commissioner Herbert: What do you have rented today?

James Letchinger:
President
JDL Development LLC. We're not at 486 today. We are less than that. I think we have hoped to get, of the 592 or 580, what was the approval?

Scott McCullough:
Planning & Development
Services Director 592.

James Letchinger:
President
JDL Development LLC.

592, we had thought we would get to about 540, 550, because it's just the way the metrics work. We would love to have some compromise maybe in between. I don't think we're going to have all the retail activated come August anyways, not that we're not willing to do it, we'd love to have it activated, but we've got to get a user for it. If there's something in between of 50% of the retail and whatever number that comes out to in beds that would be ideal. Bottom line is, you're going to tell us what we can do. We would ask for a few more beds. We would definitely entertain and love the opportunity to get the retail activated. We need to get the building open. We know how our garage works. We do know that it does work. As far as these other issues, these are ... This is a mixed-use. By code actually, a mixed-use development can be phased, the retail can come in later. We're not trying to play a game. If you want us to get some of the retail open, we would love to. It was our vision for the property as well.

Scott McCullough:
Planning & Development
Services Director

50% of the commercial space would yield 538 bedrooms.

Commissioner Herbert

I don't personally have a lot of interest in counting any of that on-street parking towards beds.

Mayor Amyx:

I don't disagree with you on that. My main concern is that it still goes back to one thing, and is there ample parking to support this without a valet system? We do not know. We do not know what the actual parking would be in that facility right now as it sits without having Scott or the engineers go through and actually put our code to that test.

Vice Mayor Soden:

I guess it's important for me to just say now, I think everyone already knows this by now, but that this is something I wouldn't have approved. This is just a mess that I feel like I'm continuing to clean up. I do want to see the project successful, no matter how nasty I may say things. I do want to see it successful, because it was stuck in our laps and we have to make the best of what we can in this. I just want to make sure this is not a precedent for future developments, absolutely not. I would've shut it down from day one. Like I said, I should've thrown a bigger fit in the summer when we would've had better opportunity to actually address the robotic parking not being available, and so now here it is. We just have to clean it up basically is what we do, unfortunately. It's sick, but that's what we have to do. That's what I feel like I have to do. I shouldn't speak for you guys.

Mayor Amyx:

Go through your deal again, make sure everybody understands it.

Commissioner Herbert: So my proposal would be, we take those 108 spots and we devote that towards only the commercial count and none of those street spots account toward apartment units or beds as we're calling them. Within the Parking garage, we can have the discussion about...and Mike I'm not trying to tell you you're wrong here, I literally mean that's a discussion I want to have. My proposal has nothing to do with that, but those 108 needs to be devoted towards commercial. We need to have commercial rollout on day one. I realize it's not going to be 100%, that's just the game and I get that. That's not my expectation, but in order to kind of give you incentive to get to that 100% as soon as possible, I don't think any of those street spots at any point should count towards beds. What we chose to do internally within that garage, space wise, we can have that discussion, but I'm willing to entertain that the human valet approach, I think that that's far less exotic then the robotic was. You know robotic, you have 3 options in the entire world. The human valet we've got 100 options in the region, right? I think it's a little unreasonable to say that if ST Parking goes out of business that we'll never find another human valet service. I don't think the valet parking is that crazy and I think that's where we can have some of our flexibility. I do not think we should have flexibility on the on-street parking though. Because of we give in to flexibility there, we have no incentive for the retail build-out to happen at any rate or any incentive for the additional parking to happen at any rate. Frankly, it doesn't meet the NRA without mixed use. It just doesn't. I'd say it again. We had this conversation with the gun issue, but we don't legislate from emotion, we legislate from fact and the fact is the NRA was given and the NRA was given on mixed use, we have to require mixed use, day one or there is no NRA, day one or there is no NRA day one. It's really that simple in my opinion.

Vice Mayor Soden We want that sales tax too.

Commissioner Herbert: Yeah, for sure.

Mayor Amyx: How about the entrance on 11th Street?

Commissioner Herbert: That's a bad idea, but...They said it themselves, it's a bad idea. It's dangerous and now it's not dangerous anymore, but okay.

Mayor Amyx: Yeah, I think you elevator it up.

Commissioner Herbert: It's a bad idea. There're a lot of things I wish about this, but... There's a certain element of shoveling involved with what we're doing tonight.

Mayor Amyx: Okay, the number of spaces that are in that garage. If we're going to allow the valet, then it's going to look exactly like that up there, right? Or do we want it to meet code as we asked to come back with something that met code, right?

Commissioner Herbert: Yes, we did.

Commissioner Boley: How long would it take to get valet parking standards in our code?

Scott McCullough:
Planning & Development
Services Director A few months.

Commissioner Boley: What would they look like? We asked you what other communities had for their codes.

Scott McCullough:
Planning & Development
Services Director Right, and we reported in our memo that our research was pretty sparse in terms of that product, what codes are out there do allow design similar to this in our opinion. They allow widths as small as 7 ½ feet, smaller isle lanes, the ability to stack some cars. What they become is a product to warehouse versus why you have the standards we do, is out of convenience and safety for the public.

Commissioner Boley: So these drawings would be in line with most of the codes that you saw for valet parking.

Scott McCullough:
Planning & Development
Services Director Give or take, I think.

Commissioner Boley: I assume that's what you based you're recommendations on.

Scott McCullough:
Planning & Development
Services Director Correct. I think part of what I interpreted at the last meeting was to both research those other cities codes and bring back what kind of codes would be applied if we were to have some codes in place. That's how we approached it.

Mayor Amyx: Here again, that's assuming that we would amend our code to allow for this type of activity to happen, that being a valet service. We still got to do that.

Scott McCullough:
Planning & Development
Services Director Yeah.

Commissioner Herbert: Yeah, there's no doubt the process was wrong in this. That they should have begun with the code change, not with the variance.

Mayor Amyx: Right

Commissioner Larsen: Yeah, it should have started back when they first found out about the robotics situation.

Mayor Amyx: I don't know if I can count noses in this thing or not, but the public portion is done. Thank you.

Jane Eldredge Well, I just thought it might be informative to know that there it would be comparable to have the code back to you by tomorrow, based on the schedule.

Mayor Amyx: Okay. Thank you. Is there a majority of the Commission that believes that the recommendation of Commissioner Herbert that deals with the on-street parking as being directly related to the commercial part?

Commissioner Larsen: Yes.

Mayor Amyx: Okay that we got. Where does the Commission want to go with valet service? Directing staff to prepare an agreement or agreements whatever that may be, that would carry out and allow for valet service to happen here, inside that building.

Commissioner Herbert: I guess we ought to know if the elevator is an option.

Commissioner Boley: I'm like okay with the bottom floor. I'm not really wild about the 11th Street Access.

Commissioner Herbert: I agree

Commissioner Boley: Also, we talked about which way they're going to be routed around. There're some details that we need to work on. I'm generally in favor of the valet parking, but I want to make sure that we're minimizing the traffic outside of the building and I'd like to have that conversation happen.

Vice Mayor Soden I want to reverse that.

Mayor Amyx: But as far as the valet goes.

Commissioner Larsen: Yeah, I'm comfortable with the valet parking.

Vice Mayor Soden I'm just here. I don't want to create a precedent that we can build 8 stories in all parts of the City, just here.

Commissioner Boley But I mean the other side of this, is we need to work on our code to make sure we can figure out what kind of valet parking in the future.

Mayor Amyx: Okay. After the valet portion or an agreement is done at that point we'll be asked to give direction on what we'll be the number of apartments that would recommend or be allowed to be open of what percentage of that building. Are we willing to give staff direction to include that in the discussion or agreement on this building?

Commissioner Larsen: What did they say 486 bedrooms?

Commissioner Herbert: That's under the presently painted.

Commissioner Larsen: Okay

Mayor Amyx: Another thing is that we're going to send Scott out to check and make sure that that's all that's there, or our inspectors to go out and do that. I think we're starting something really wrong, but that's okay. How about the TV and the outdoor speakers?

Commissioner Boley Give us your alternative.

Commissioner Herbert: I can tell you what his alternative is. The alternative would be striping it to code.

Mayor Amyx: Striping it to code. That's what we write these codes about. I suppose they can have the number of units or number of beds that it would take what they add.

Commissioner Boley: And then after we get our valet code, then we can restripe it for valet.

Mayor Amyx: They can do whatever as long as it meets the new code. Plus, they're talking about a new project outside of this building, but within the necessary footage to be able to add additional parking. That is going to allow for the increase of more beds, if approved. That's all I say. Our code says that that space is going to be 8 x 20 or whatever it is.

Scott McCullough:
Planning & Development
Services Director 8 ½

Mayor Amyx: 8 ½ x 20.

Commissioner Boley: And your experience tells you this is the way to go.

Mayor Amyx If we go out to build an apartment building, the staff is going to recommend that it has 1 space per bedroom that meets that requirement.

Commissioner Herbert: So the code actually for mixed use is 8 x 20.

Commissioner Larsen: Yeah, 8 x 20

Commissioner Herbert: It's on page 12.

Commissioner Larsen: Larsen: B1

Mayor Amyx: If we do anything else, the code is not....

Commissioner Herbert: Mrs. Eldredge provided us design layout, size, each stacking space should be a minimum of 8x20 in size.

Scott McCullough:
Planning & Development
Services Director This is for stacking spaces in a drive through lane.

Commissioner Herbert: Okay

Scott McCullough:
Planning & Development
Services Director A standard parking space in 8 ½.

Commissioner Herbert: Alright.

Mayor Amyx: All I say is that's what our code says and we need to follow our code. That's all it is.

Commissioner Larsen: So just determine the number of spaces that would be allowed under code...

Mayor Amyx: ...that meets the highways, the size of everything.

Commissioner Larsen: ...and that's the amount of bedrooms you get.

Mayor Amyx: That's it.

Commissioner Boley: And work on the valet parking code.

Commissioner Larsen Get the valet parking done by whatever, maybe July or whatever.

Mayor Amyx: Well, however long it takes.

Scott McCullough:
Planning & Development
Services Director Part of the challenge is going to be the isle width. On page 14 of the same document, you can see the table here. If you read the dimensional feature on the left hand and you look at the angle of parking here, and there are some differences when you implement angle parking versus 90 degree parking, but that isle width between stalls is 24 feet. Again, that's for convenient two-way safe efficient traffic of consumers passing each other in the parking lot.

Mayor Amyx: Amyx: So that gives you an opportunity to, you've met our code basically by stripping it out by spaces that are 8 ½ by 20, you meet the codes, all of that fun stuff and it gives you an opportunity to move ahead. It allows you under the recommendation of Commissioner Herbert that the on-street parking could be used for the commercial part, thus keeping the NRA intact and the mixed use which is the most important part

of the deal.

James Letchinger
President
JDL Development LLC

Mayor, if I may...I respect your code and as far as setting a precedent, we would never come here and design a garage for valet parking. We would have gone down another level; we would have done something different. We didn't anticipate having valet parking. Operationally, it is not something we've desired. It's very expensive. The garage, shame on us, we brought in the robotic parking idea, but the building was approved and the garage approved with the robotic parking. None of us looked at the parking space code. It was wrong, but because it was a robotic parking, I wish we would have done more research and talked us out of it, but we are where we are. So the garage is physically not designed for 24 foot wide isle ways, the column spacing doesn't support that so we can't be expected to do that. That's why we've done so much diligence and we've actually checked codes all over. There technically, is no valet parking code so when there is valet parking; every community we worked in allows the use of the valet garage differently than the standard parking spaces. You can't expect an average person off the street to drive in a 20 foot isle and park in a 6, 7 ½ or 8 foot space. We completely understand that, that's why the design standard is there. The design standard for valet parking, this does meet that. I appreciate there is no code for that. There really is no code for it, period. So we have to strip this to meet code, we can't park the garage. I understand that's not your concern. I don't believe we're setting precedent. Again, no developer is going to come in here and ask for valet parking, they're going to think differently. This is a mess. I wish I wasn't involved in it either. This is not the way we would have designed the garage, had we known that the system was not going to work so we're trying to make it work. It does meet valet parking standards. I do believe that it's within the purview of Scott to provide the relief, utilizing a specific system. As far as reducing, we'll get the mixed use going or we'll put that on hold until we do have it going. We're not trying to squeeze every last dollar out of here. We've got an issue and we're trying desperately to work with you to solve it. We tried to give you every bit of documentation, humanly possible, to support this valet garage as safe and it works. We wouldn't be standing here today had we not vetted that with you and explained it to you. I know that if this was last summer, we presented this, you would have thrown us out of here and I get it, but unfortunately we can't rebuild the garage. I wish we could. It would solve a lot of problems. So that's why we've gone through these great lengths to get to where we are today.

Mayor Amyx:

Amyx: And I appreciate that, but understand that our point, at least my point, that I really believe in our code. I believe that our code meets the requirements that we have and that we're trying to apply our code to your facility.

James Letchinger
President
JDL Development LLC

I appreciate that.

Mayor Amyx:

...and to give you some kind of relief at this point so that you can have some kind of occupancy on that building, that both meets the mixed use requirement and allows you to move people into the apartments right of way too and understand we're going to have to work on the code that deals with valet, move ahead, and you have another project coming that's going to give possibly relief to additional parking as needed for this plan. I just say, it keeps our code in tacked and then you know, we can defend that and we can proceed with other part of making your project work.

James Letchinger
President
JDL Development LLC

I completely understand. I would ask that you give the relief of the valet parking in this reduce fashion that we've talked about. We will get the additional parking done. That's all that I can ask. We've expressed ourselves, we given you all the backup and support and it's really outside the code. I completely understand the parking code and respect it and again, had we come in here once before, prior to ever designing this building and putting these columns in place, we wouldn't be having this discussion.

Commissioner Herbert:

Herbert: Under the current drawing, as it is now, with the valet sized spots, if we maintain, and I'm speaking only for myself and not for the body, but if we maintain your renderings as they are and allow you to operate with that parking, are you willing to go the elevator route to shut-off access to 11th.

James Letchinger
President
JDL Development LLC

If that would get this body comfortable. As I said, we'll do whatever we have to. We're stuck. Everybody is saying that we're looking at you to solve our problem. We're not. We've done everything we can to solve our problem. We do need you to work with us. We're now looking for you to do this. If you said, you've got to have an elevator to get those cars up to the next floor, then if that's what we have to do, then that's what we have to do. We're doing everything we can to satisfy your issues and concerns.

Commissioner Larsen:

Is the design of that garage feasible for an elevator system?

James Letchinger
President
JDL Development LLC

We could get an elevator system in, yes we can. It would be with the valet elevator.

Commissioner Herbert:

We've got a bad situation and they've got a bad situation. I think with the footings in, I don't know, I think there is an element of truth to the fact that I don't know if they can bring that garage to code, right? With the columns in already, is it

possible to get those?

Scott McCullough:
Planning & Development
Services Director

It is not possible to get the isle width to meet code.

Commissioner Herbert:

So Mike, I hundred percent respect the fact that you're saying we need to honor our code, but I'm not sure that a full hundred percent compliance is even physically possible at this point. I mean we could get them to widen the stalls, I don't think that's a problem, but widening the isle ways, I think is going to be a lesson in physics.

Mayor Amyx:

So what a mess. Okay, let's do this; let's direct staff to bring back to us the necessary agreements to accommodate a number of things. There will not be an 11th Street entrance. There will be an elevator system to take cars up and down between the two floors because I think that's where everybody is heading at. We're going to allow that valet system to be used the way it's drawn right now. Is that right?

Commissioner Larsen:

We can count the spaces based on code width.

Commissioner Boley:

You don't need that if you have valet parking. The requirement that it be run by valet is part of the development agreement. They're going to do that. As they pointed out if there's one valet company that can't do it, they'll bring in another.

Commissioner Herbert:

I think if we can close off 11th and if we can get the elevator, if we can get dedicated on-street to commercial, if we can get some element of mixed-use rollout on day one, then I'm comfortable.

Commissioner Boley

Yeah, that's better

Vice Mayor Soden

I don't know if comfortable is...

Commissioner Larsen:

So that goes back to the 486 bedrooms.

Mayor Amyx:

You make sure that's absolutely right, when that comes back or whatever it figures out to, okay? Okay, that's the direction and we'll put that back on an agenda because I want to see what it looks like before we vote on anything. Is that fair?

Commissioner Herbert:

Fair.

Vice Mayor Soden

Do we have any kind of motion we need or do we need to talk about the meters now.

Mayor Amyx:

No, that's the second item that's coming up and I think we'll bring that up when this item comes back and so if you can have

that back in a week to two weeks at the latest.

Scott McCullough:
Planning & Development
Services Director

I think we can, yes, two weeks at the very latest.

Mayor Amyx:

Okay, then concurrent from the City Commission, I would suggest that we give that direction to the Planning Director and his staff to bring those agreements back to this body. Okay? At that time we'll have the final vote on how this is to work, okay?

Vice Mayor Soden

...and the performance agreement needs to be in there.

Mayor Amyx:

Every agreement that we have, bring back so it's done in one night, okay? Look through all NRA's everything.

Commissioner Boley:

Sounds like we'd be wasting time if it we were trying to come up with a valet code because nobody else is going to want to do it.

Vice Mayor Soden

That's what I fear. I can think of two other developers that would take advantage of that.

Mayor Amyx:

As part of that we're going to go ahead and defer the final action on the parking meter fee until this thing comes back up. Is that okay?

Vice Mayor Soden

Mm-hmm (affirmative).

Mayor Amyx:

Okay, we'll do it all at one time.

Scott McCullough:
Planning & Development
Services Director

Are there any questions or direction on the parking meter?

Mayor Amyx:

We're going to defer that. Well, is there anything else that we wanted to add? I know Vice Mayor brought up more regular patrol of that and we probably ought to look and see if they would require any additional people. Have Teri look at that a little bit closer and if there's any other equipment that we would have to buy.

Vice Mayor Soden

Maybe credit card.

Mayor Amyx:

Okay, I could burn up a credit card on parking. Its fine, we can look at that. Okay?

Vice Mayor Soden

I'll tell you all about the trip to D.C.

Mayor Amyx:

Okay, anything else on those items then? Okay, we'll be back to you okay. That you all for coming this evening.

The Commission directed the applicant to revise the Plan to allow for reduced valet parking, reverse the direction of the planned valet staging, eliminate parking garage access from 11th street, design and install an elevator to move cars between the two floors of the garage, dedicate the 108 on-street parking spaces to commercial use only, and allow for 486 bedroom residential occupancy. The item will be returned to the Commission.

3. **Consider authorizing the City Manager to execute a license agreement with the Lawrence Farmers Market, Inc., allowing for the use of the Public Library Plaza Park and Vermont Street parking Garage for Tuesday markets and City Parking Lot 8 for Saturday markets during the 2016 Farmers Market season.**

Brandon McGuire, Assistant to the City Manager, presented the staff report.

Mayor Amyx: Any questions of Brandon?

Vice Mayor Soden: No, I'm just completely excited about it.

Commissioner Larsen: I've got one question. The 8 spaces inside the parking garage, what are those for? Are they going to be vendors?

Brandon McGuire:
Assistant to the City Manager The nine spaces. It will be dedicated to for the use of the Farmer's Market for their vendors. On the Tuesday's Market, I think they have probably a dozen or fewer vendors total usually if this spot proves to be extremely popular, then that may change a little bit, but I think that would be a good thing. So those nine spaces will be used for them to park their trucks. We will, and it's included in the agreement, that it will be barricaded off so vehicular access would be restricted for obvious safety concerns, safety reasons. A few of the vendors will have the option to vend out their trucks in those parking spaces if they'd like to do that because there are some vendors who do literally just vend right out of the back of their trucks, others, like to set up their carts and their tables out on the lawn.

Commissioner Larsen: I think it's a great location for it.

Brandon McGuire:
Assistant to the City Manager It may also provide a little shade in the middle of the summer when it's hot on Tuesday night's at 5:00.

Vice Mayor Soden: And in bad weather.

Brandon McGuire:
Assistant to the City Manager Yep.

Vice Mayor Soden: I really like the Tuesday location. It's more visible, next to the transit on top of that. I think it's great.

Mayor Amyx: This is a good idea. Any public comment on this? (None)

Moved by Vice Mayor Soden, seconded by Commissioner Larsen, to authorize the City Manager to execute a license agreement with the Lawrence Farmers Market, Inc. Motion carried unanimously.

4. **Consider a motion to recess into executive session for approximately 30 minutes for the purpose of consultation with attorneys for the City which would be deemed privileged in the attorney-client relationship. The justification for the executive session is to keep attorney-client matters confidential at this time. At the conclusion of the executive session, the City Commission will resume its regular meeting in the City Commission Room.**

Moved by Commissioner Boley, seconded by Commissioner Herbert, to approve a motion to recess into executive session for approximately 30 minutes. Motion carried unanimously.

The City Commission recessed at approximately 9:21 p.m.
The City Commissioner reconvened at 9:51 p.m.

Mayor Amyx had nothing to report coming out of executive session.

F. FUTURE AGENDA ITEMS:

Thomas Markus, City Manager, outlined potential future agenda items.

G: COMMISSION ITEMS:

Vice Mayor Soden: Lisa and I went to the National League of Cities Convention. That's why we were gone a couple of weeks ago. We went the weekend before and went to the couples special, kind of classes that they had and I went to one that was on Priorities Based Budgeting and then on Sunday we both went to the Basics of Budgeting and I think you said, Saturday you went to a Urban Planning kind of exercise.

Commissioner Larsen: All day long. It was a good one and it was really interesting.

Vice Mayor Soden: Yeah, I'd like to take that next time. That sounds really interesting. We met with our Kansas Senators, our two senators, Moran and Roberts and that was to advocate for continued funding for Amtrak and I even mentioned the tracks. Hopefully they'll improve them and then a week later there's a terrible accident so that was unfortunately, timely, I guess is what I'm saying and then to advocate for Haskell Indian Nations University because they're a federal agency that they have to kind of requisition through the federal government. They would like to pursue to be able to requisition from local providers if they can which of course is a big boom for the City of Lawrence, if we can get that to happen. Also, they want to do an endowment. What was really nice to hear was that Senator Moran is on the Senate Indian Affairs Committee and so he's very interested in that as well so that was really good to know that we had even

our own Senator was on that committee. I told him that we would do anything that they request. We can send letter of support. I mean, it would be great. So then we met with people from the...well actually we went to the offices of the National Housing Trust Foundation Association?

Diane Stoddard:
Assistant City Manager

Well, Housing Trust...

Vice Mayor Soden:

We got to meet with some people there to brainstorm on ideas for creating and preserving affordable housing here in Lawrence and one of the things we talked about is our Affordable Housing Advisory Board, perhaps some things that we could request from them and three things that we have that I think we both kind of agreed on that we want to pass along. Where we definitely need to have some metrics of success so we can have benchmarks of where we're going with it. A better definition of what we're calling affordable housing which we've seen in developments come up that's been an issue and then policies to help preserve current affordable housing stock. You know you don't want to just focus on building affordable housing, but preserving what you have as well. Of course we met with other Kansas Politicians. That was really nice to just kind of meet them and network a little bit. And then last but not least, they have a University Communities Council and all three of us were there for that. It was kind of interesting, we got to share event coordination ideas and talk about public safety cooperation with different law enforcement agencies and how they do it in different cities. It was interesting to learn that some towns or universities just kind of have more campus security, but of course we here at K.U., I should say, have actual police officers and so it's just kind of different to learn the different things so I really enjoyed it. I definitely am looking forward to going to future ones. You know I don't want to dominate going to every single one because, I don't know, just two of us can go, but I really hope to go to future ones and there's a November one in Pittsburg. Yeah, so thank you letting me be gone and that's my report. Do you have anything to add to that?

Commissioner Larsen:

One that I went to that Leslie didn't was the climate change, a course on climate change which was very interesting. They had Mayor's get up and speak about the conference over in Paris that they attended and I think there were 351 Mayors that attended the Paris Conference and they said the difference between previous conferences where things didn't get done in this conference was that previous conferences everything was the decision making was from top down so the higher ups couldn't agree on the climate change issue and this time however, it was a bottom up approach where the Mayors actually pushed it up and what their ideas were. The Mayors want the change, the Cities want the change and so they

support that strongly and they thought that played a big role in them coming to a decision on actually agreeing with the climate change situation and changing that issue. Also, within in that too...

Vice Mayor Soden: We went to that affordable housing, kind of, not seminar but panel discussion. I forgot to mention that.

Commissioner Larsen: Anyway the climate change I thought was extremely interesting. Oh, I know, the science, see this time it was also different was that the science was never refuted. Previous conference there was always an issue of science, whether science was true. This time they didn't here that at all and that was really refreshing for them.

Vice Mayor Soden: Diane, do you have anything to add that you went to?

Diane Stoddard:
Assistant City Manager There were some interesting comments about transportation funding and one of them was the Transportation Secretary. I mean, we heard from cabinet level secretaries which is really nice and one of the things they talked about, a little bit, was abandoned earmarks, earmark projects that had orphaned earmarks. So these were earmarks that were made, but never acted on and so they were apparently going to have a process although our delegation really didn't know any details about it and I don't know whether they have that out yet. If they are in our area, we may be able to access or have opportunities anyway, we'll have to see if there are any and how we might go about that, but those kinds of bits of information are always helpful.

Commissioner Larsen: One other quick note on the climate change, the Department of Energy was represented there and they said that the Department of Energy had a vehicle there, a test vehicle that everybody could sit in, they couldn't drive it but, it was made out of a 3-D printer completely and it actually worked. I would have loved to have seen that.

Vice Mayor Soden: Oh, and we met one of the City Commission, City Council reps from Cambridge Massachusetts and I got to talk with him about their affordable housing issues and then he talked about, how many Commissioners did they have? They have a lot. They have this really complicated election system that ensured...I'm sorry, I'm going on, but I mean so they have all kinds of diversity on their Commission because of this very complicated process they had so that was really interesting.

Commissioner Herbert: So everybody here shows up to vote, gets elected.

Commissioner Larsen: No wait, so many votes go to the next person on the list...

Vice Mayor Soden: Yeah, it was crazy.

Commissioner Larsen: After it meets a certain...it was weird.

Vice Mayor Soden: Yeah it was really nice talking to him and also to be somewhere.

Mayor Amyx: We would still be on the consent agenda right now. Well great, it sounds like you had good time, good information.

Vice Mayor Soden: It was great. I really enjoyed it. It was nice to talk to people. Inclusionary zoning was not a dirty word.

Commissioner Larsen: That's right. They were shocked when they heard. Their mouths were hanging open.

Vice Mayor Soden: Yeah.

Mayor Amyx: Thank you.

Vice Mayor Soden: Well, I thought it was important that people know what we did. It was a big deal.

Mayor Amyx: Any other Commission items?

Commissioner Herbert: Tomorrow we have the deal at 908 LaSalle.

H: CALENDAR:

Thomas Markus, 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 Commissioner Herbert, seconded by Commissioner Larsen, to adjourn at approximately 10:02 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON APRIL 5, 2016.



Brandon McGuire, Acting City Clerk

