



City of Lawrence

CITY MANAGER'S OFFICE

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CITY COMMISSION

MAYOR
MIKE AMYX

COMMISSIONERS
LESLIE SODEN
STUART BOLEY
MATTHEW J. HERBERT
LISA LARSEN

December 8, 2015

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

A. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Lawrence Kansas, Rock Chalk Park, was chosen to be the site for the 2017 Junior Olympics

B. CONSENT AGENDA

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

1. Approve City Commission meeting minutes from 09/15/15 and 09/22/15.
2. Approved claims to 170 vendors in the amount of \$2,840,419.19, 8 manual checks in the amount of \$9,315.30; and, payroll from November 15, 2015 to November 28, 2015 in the amount of \$2,106,685.95.
3. Approve licenses as recommended by the City Clerk's Office.

Drinking Establishment

WA Restaurant
WA Restaurant Inc.
740 Massachusetts St.

Expiration

December 4, 2015

It's Brothers Bar & Grill
Brothers of Lawrence, Inc.
1105 Massachusetts St.

December 9, 2015

Sidewalk Dining & Hospitality-Renewals

Sandbar, Ricky Deans Inc, 17 E. 8th St.

Cereal Malt Beverage-Renewals

Kwik Shop #702, Kwik Shop Inc, 1846 Massachusetts St.
Swansea, Swansea Inc, 1801 W. 2nd St.

4. Bid and purchase items:



- a) Set a bid date of January 5, 2016 for Bid No. B1564 - UT1508 2015 Sanitary Sewer Rehabilitation CIPP Project.
 - b) Approve the purchase of two (2) 4 x 4 pickup trucks from Laird Noller Ford for the total amount of \$45,118, via an extension of Bid No. B1557.
 - c) Award Bid No. B1555, for PVC pipe needed for watermain installations, rehabilitation, and replacement to HD Water Supply, in the amount of \$31,130.
 - d) Authorize the Interim City Manager to execute Supplemental Agreements with Professional Engineering Consultants in the amount of \$110,996 for the 19th Street Utility Relocation Project and for \$12,000 for the 19th Street Reconstruction Project.
 - e) Authorize the payment of \$21,671.94 to Hy-Vee, Inc. for a Solid Waste claim dated March 9, 2015.
 - f) Approve sole source purchase to Midwest Card and ID Solutions, for \$55,515, for the installation and training of the SALTO access control system for Fire/Medical to update exterior doors of Fire/Medical facilities.
5. Adopt on second and final reading, the following ordinances:
- a) Ordinance No. 8957, which assigns Black Hills Energy a non-exclusive franchise and the right to construct, use, and maintain natural gas service lines in the public right-of-way.
 - b) Ordinance No. 9178, to rezone (Z-15-00463) approximately 11.855 acres from RM12D (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District and OS (Open Space) District, located at 5800 Overland Dr.
 - c) Ordinance No. 9179, to rezone (Z-15-00469) approximately 14.756 acres from GPI (General Public and Institutional) District, RM12 (Multi-Dwelling Residential) District and RS40 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 5200 & 5300 Clinton Pkwy.
 - d) Ordinance No. 9180, for a Special Use Permit (SUP-15-00468) for an *Active Recreation* use, an indoor/outdoor Fitness & Tennis Facility, located at 5200 & 5300 Clinton Pkwy.
 - e) Ordinance No. 9182, for a Text Amendment (TA-15-00443) to the City of Lawrence Development Code, Chapters 4, 9 and 17, to define and create an *Event Center* use.
 - f) Ordinance No. 9183, for a Text Amendment (TA-15-00391) to the City of Lawrence Land Development Code to modify the *Personal Convenience Services* and *Personal Improvement Service* uses and to amend Articles 4, 5 and 17 to address modifications.

6. Accept dedications and vacations of utility easements for Oregon Trail Addition 3rd Plat associated with Minor Subdivision, MS-15-00546, located at the northeast corner of George Williams Way and Overland Drive. Submitted by Grob Engineering Services, for Oregon Trail Holdings LC, property owner of record.
7. Receive request from David Hamby, BG Consultants, Inc. and refer the following items back to the Planning Commission for reconsideration: A-14-00161 and A-14-00163, annexation requests for property south of N 1750 Road and east of E 902 Road; CPA-14-00005, Revised K10 Farmers Turnpike Plan; and Z-14-00165, Z-14-00164, Z-14-00162, and Z-14-00204, rezoning requests for the property included in the annexation request. These items were considered by the Planning Commission on June 23, 2014.
8. Authorize staff to negotiate an Engineering Services Agreement with BG Consultants for Design and Construction Phase Engineering Services for Project No. UT1513 - Sanitary Sewer Main Replacement Naismith Drive and Crescent Road.
9. Authorize a Request for Qualifications for architectural design services for the remodel of Fire Station No. 1, located at 746 Kentucky Street.
10. Authorize the Mayor to execute a recommendation letter for Next Century City to the Federal Communications Commission in support of the Lifeline and Link up Reform and Modernization document to offer affordable broadband internet connections to low-income households.
11. **REMOVED FROM THE CONSENT AGENDA FOR SEPARATGE DISCUSSION.** Authorize the Interim City Manager to execute Addendum No. 5 and No. 6 to the City of Lawrence/Douglas County fiber sharing Memorandum of Understanding, which allows for the installation of fiber from 23rd and Harper Streets to the Douglas County Fairgrounds and installation of fiber from the intersection of K10 and Franklin Road to the Douglas County Jail for a total cost of \$99,888, with Douglas County paying \$77,420 and the City paying \$22,468.
12. Authorize the Interim City Manager to execute a Memorandum of Understanding between the City of Lawrence and Lawrence Memorial Hospital (LMH) which allows for LMH to use six fibers that the City set aside for use by LMH and authorize the Interim City Manager to execute Addendum No. 1, 2, and 3 which allows for the installation of fiber and allows LMH to connect LMH owned facilities to the City's fiber network for a total cost of \$154,853, which is to be paid entirely by LMH.

Commissioner Herbert removed consent agenda item number 11 for separate discussion, authorizing the Interim City Manager to execute Addendum No. 5 and No. 6 to the City of Lawrence/Douglas County fiber sharing Memorandum of Understanding, which allows for the installation of fiber from 23rd and Harper Streets to the Douglas County Fairgrounds and installation of fiber from the intersection of K10 and Franklin Road to the Douglas County Jail for a total cost of \$99,888, with Douglas County paying \$77,420 and the City paying \$22,468.

Matthew Herbert:

My concern isn't necessarily specific to item number 11, but it's been about six months now since we've signed our fiber policy agreement. I thought since items 10, 11, and 12 were all going to involve fiber policy and Mr. Wisdom would be here, I thought

this would be a good opportunity to get an update of where we are in that. Specifically, I'd received some concerns regarding the insulation of fiber from 6th and Kasold to 6th and Wakarusa. That there was possibly some miscommunication or how the process was done, in terms of RG Fiber having their fiber pulled, which is going to result in us having to tear up the sidewalk now to relay their fiber instead of doing it all at once. If you could update me on that and see where we're at, that'd be helpful.

Jim Wisdom: Were there any questions about the Douglas County one?

Matthew Herbert: No.

James Wisdom:
Information technology
Director

Of course, the 6th Street Fiber project was a bid that was bonded. When we do these, they go through lots of plan reviews, a process and this was something where, if we talk about trying to install the conduit, at that time, that was something that hadn't been previously discussed or approved. We weren't to the point where we could just start putting things in the ground on that without some approval in the process and agreements and things like that.

Commissioner Herbert: So, we have a situation where, effectively, we're going to have to rip up a sidewalk to...?

James Wisdom:
Information technology
Director

Well, I'm not for sure exactly which ... Brandon may have as much knowledge of this as I do because we were...

Brandon McGuire:
Assistant to the City
Manager

Commissioner, My understanding is that the city contractor came and he installed free conduit. Correct, Jim?

James Wisdom:
Information technology
Director

Yeah, free conduit and some fiber.

Brandon McGuire:
Assistant to the City
Manager

And RG Fiber came and he installed three additional conduits, but that was not part of the plans that was presented to the City Commission and that was bid in all of that. It did not go through that process, so we asked K&W not to install the three conduits for RG Fiber. It had also not gone through our permit right-of-way review process so it wasn't part of those plans either. My understanding is there should only be three conduits in the ground as a result of that project. There shouldn't be anything to pull out of the ground. We can check into that and provide more information if that's needed.

James Wisdom:
Information technology

I'm not for sure exactly what sidewalk we're talking about but we also want to see things get done. This is one of those things

Director where if it hadn't of been approved, I'm not against it. A part of it was the city paying for this, this part of it. I was authorized to basically approve something that ... It wasn't my call anyways. I'm just saying that there's a process to go through, we just hadn't gone through the process. If it had been discussed during the bidding process or putting it in as an option, saying "Hey, I propose we do this, and I'd like to do this at the same time." If we had some kind of approval, then that would have been great. It was one of those things where we really didn't know what was happening until it was starting.

Commissioner Herbert: In terms of our timetable, are we where we thought we would be with this?

James Wisdom:
Information technology
Director Well, we have the 6th Street Fiber Project is installed. The only thing that's lacking that's not done, which is out of our control, is that they ... It was ran to the USD-497 Headquarters also. There's a space inside their rack where they need to move some equipment. That can't be spliced until they do that. That's the only thing that's not done. The rest of it is done. They met the deadlines. To my knowledge, that fiber's leasable or usable. I guess I know that I might answer your question but that's the goal. They had until December 5th to finish that, and they did.

Commissioner Herbert: Okay. Thank you.

Mayor Amyx: Does that answer your question, Matt? Diane?

Diane Stoddard:
Interim City Manager We're just going to add that at this point we have agreements with two fairly new entities that were done here this summer since the fiber policy was passed. Our understanding is that both entities are actively involved in pursuing their projects in Lawrence. I think some of it was awaiting the installation of this particular project. Additionally, they're talking with us ... Or at least one company is talking with us about perhaps expanding the agreement with the city and makes it more of an agreement where they can have access to the right- of-way without having to come back to the commission for approvals and that kind of thing. Those are some things that we're visiting about and we'll be bringing that forward if that's something that they wish to pursue. That may have some mutual efficiency benefits on both of our sides.

Commissioner Herbert: That's really the meat behind my question, so to speak. I'm trying to get us to a place; obviously I want the fiber policy to actually take action sooner than later. Otherwise, it's just words on a page. I also want to avoid a scenario where we're laying our entire conduit and then promptly tearing it up to lay more or ... You know. I'd like to do it all at once as opposed to doing it in two separate instances where you're going to have a lot of

inefficiencies.

James Wisdom:
Information technology
Director

Well, if that process had been started ahead of time ... I mean, I am involved in the city side of things but the right of way and management, and all that, that's more of a public's works project. That's their area and I don't have the authority to approve things while I'm going through the process.

Commissioner Herbert:

I understand.

Mayor Amyx:

Any other questions? Is there any public comment at this time? Any public comment?

Mike Bosch:
RG Fiber

Good Evening Mayor, Commissioners. Thank you for bringing up this question. We've learned some things since we signed this agreement, and a couple of them really come down to I think what Diane was speaking to, is that we're not able to move as fast as we would like to move. The arrangement and the framework that we have with the city is a master agreement and then each new project we have to detail out goes to the city attorneys, goes back and forth between both attorneys until we've settled with something. Then we bring it to the commission, we get approval and we go through the normal permitting process. By comparison ... And the reason this licensing agreement is used is if anyone wants to put something in the right of way it has to be done right. You put a sign in the right of way, that's what's used. Our competition has a franchise which gives them blanket access to the entire right of way. In the same time that we've only been able to accomplish really one project that I believe is a couple hundred feet to connect our network to the other provider that signed the fiber agreement, it's taken us that entire time to make that 200 foot connection. In Baldwin, we've been able to do 22 projects and it's been a little over a quarter of a million dollars of additional expansion of our network there. It's not because we haven't been able to do that, but I'm honestly fearful of sending this number of project to the City of Lawrence and just not being able to get any progress going through. We'd like to ask for something of more of a level playing field so we can move forward and try and fulfill the intention we had in fiber policy, which is expansion of that. There was a clause in our master agreement that we would collaborate as we're building out our network. Say to the City, "We're looking at building these areas. Does the City have interest?" We did that as well. The City said that they would look at doing this. The challenge really becomes the right of way is congested. It's already got utilities in it today. When somebody goes through and puts three conduits in, after that's laid in, we want to go in after the fact; we still have to stay 2 feet away from every other utility that's laid in. What ends up happening is that we have to go under the street or under the sidewalk where it's less desirable to

build, cut through concrete, and have a higher risk of hitting existing utilities. We end up having to put locate paint on the roads and the sidewalks, and of course it says RG, which is not really my PR strategy. These are all challenges that slow us down and increase the costs. It's because we didn't have a great collaboration built into that framework. We have had discussions on that 6th street project. In fact, we even committed some funding. To be clear, we were never asking to use any of the City's funding. It's a normal process that we would pay for the change order and any administrative costs. We had discussions around some of that. My hope from this discussion is not to rehash what has been but can we get a better framework that I think works better and holds truer to the intention we had to build a fiber network here and to be able to do it in a cost efficient manner that grows our network and the City's at the same time. Thank you for bringing it up. I appreciate it.

Mayor Amyx:

Thanks Mike. Any other public comment on this? Diane, it sounds like that you're a step ahead and you're trying to get those agreements ready to go that will take care of the concerns that Mike has and ...

Diane Stoddard:
Interim City Manager

We've been talking about that. I think with this particular example though, with us effectively collaborating on a city project that's bid, I don't see a blanket agreement covering that scenario. I think we would still have to, in that case, understand what it is that they want to participate with us on. Then if there needs to be a change order or something like that, we'll have to get that appropriate approval. I think that having an agreement that would be an access agreement related to the right of way in a more broad fashion would achieve the efficiencies that Mr. Bosch is looking for and would go a long way. We've talked about it as well that there would be some efficiencies also on our side with regard to the time it takes for this. Preparing this

Commissioner Herbert:

...
I think it would be nice to have that service running without having RG spray painted on every sidewalk in Lawrence, Kansas. No offense to your business, but I just assume we lay the line without that.

Mayor Amyx:

Anything else? So, you'll keep us up to date on that then?

Diane Stoddard:
Interim City Manager

Will do.

Mayor Amyx:

Okay. Any other questions out of number 11? There was no other public comment on that, right? Then I would entertain a motion to authorize the City Manager to execute addendum number five and six on this project.

Moved by Vice Mayor Soden, seconded by Commissioner Herbert, to authorize the Interim City Manager to execute Addendum No. 5 and No. 6 to the City of Lawrence/Douglas County fiber sharing Memorandum of Understanding, which allows for the installation of fiber from 23rd and Harper Streets to the Douglas County Fairgrounds and installation of fiber from the intersection of K10 and Franklin Road to the Douglas County Jail for a total cost of \$99,888, with Douglas County paying \$77,420 and the City paying \$22,468. Motion carried unanimously.

C. CITY MANAGER'S REPORT:

Diane Stoddard, Interim City Manager, presented the report regarding important dates from the Solid Waste Division; and, November Sales Tax Report and October Financial Report.

PUBLIC COMMENT:

K.T. Walsh:

Good evening Mayor and Commissioners. I live at 732 Rhode Island. Tonight I'll briefly represent the downtown Lawrence Grocery Store Committee. We've been working for a few years with the health department because our City downtown and the surrounding neighborhoods of North Lawrence is a federal food desert. We really need a grocery store selling affordable foods. We're collaborating with the Lawrence Health Department, who see this as a real health need because there's a food desert in Lawrence. What we're doing now is we have a survey out. We're hoping in the next two weeks we can get as many people who might shop at a downtown grocery store or who live in one of the six surrounding neighborhoods of downtown, or who shop downtown, live downtown, work downtown. We've recently gotten surveys filled out by people in Topeka, Kansas City, Perry ... We're realizing that people from outside the city are interesting at shopping at a downtown grocery store too because they shop in downtown Lawrence. I want to urge anyone who wants to, to go to the Facebook page, Lawrence Downtown Grocery. You can take the survey there, it's very short. Please, only take it once. We're hoping to get all the results in by Christmas. There are a lot of people who don't have computers or families who don't have smart phones, so we have paper copies too. You can return those to my house, which is 732 Rhode Island Street, right across from Hobbs Taylor Lofts. I'll have a big box on my front porch. Thank you. I'm going to leave these by the door here. Everybody take one.

Mayor Amyx:

K.T., thank you very much. Thanks for stepping up and allowing your home to be a drop off center for the surveys. Any other public, general public comment? Thank you all very much for coming this evening

D. REGULAR AGENDA ITEMS:

1. **Consider adopting on second and final reading, Ordinance No. 9181, rezoning (Z-15-00427) approximately 2.96 acres located at 1501 Learnard Avenue from RS7**

(Single-Dwelling Residential) District to IL (Limited Industrial) District with conditions to limit certain uses, as amended by the City Commission on 12/1/15.

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

Mayor Amyx: Well, I bring this up only because I spent last Tuesday night after I left, lying awake, listening to the voice of Commissioner Herbert.

Commissioner Herbert: Sorry about that.

Mayor Amyx So I spent a few sleepless hours about that, but what I was trying to do ... and David it's just that I want you to appreciate this is that, as I look at this thing, I want to be supportive of your project. I am, very much so. If there are things here that don't have to be in here, that really don't relate, that's why I asked to have this come forward. I'm not changing my mind on the project at all. If there are things here that a future commission and neighbors don't have to deal with unless it goes back through the process, that's all I'm looking at here, so. I want you to know that to take as much impact off the area, so that's it.

Vice Mayor Soden: So, some of these items are being removed then?

Mayor Amyx: The only ... I asked Scott and he visited with the applicant here. It'd be social service agency and then the administrative and professional office items. It'd be II and number 4 under A.

Vice Mayor Soden: Can I ask someone to come to the podium?

Mayor Amyx: Well, sure. I'll open up public comment. Okay? Any questions of Scott?

Commissioner Herbert: I just want to make sure that I understand this correctly. When we change the zoning for this property and Sunrise comes in, let's say that they go out of business at some point. Does a new business that locates there have to come before the City Commission to request permission or are they granted automatically, based on the zoning, as long as they fall into those credentials?

Scott McCullough:
Planning and Development
Services Director Since we zone property to uses and not businesses, they would get the rights that the zoning affords. If their site plan changes, there would be a process to some level for any site plan change. If it's a like for like use, they just move in and use it.

Mayor Amyx: Commissioner, I want you to know, the item that I asked Scott to look at and question the applicant about didn't take care of the factory question that you brought up last week. All I'm trying to do is to shrink the number of uses that are allowed but still allow

the operation to go forward and still have the safeguards of going through the special use permitting on some of these items. Still, the final line talks about all the site plans submitted for standard or major development projects shall require the approval of this body. We're not handing that responsibility to Scott and staff. It's got to come back before the public body. The process would be everybody would be notified that has to be notified. There would be full blown hearings again, just so that you know. Okay?

Commissioner Herbert:

That's fine.

Mayor Amyx:

Other questions of Scott? You asked ... You said that you had somebody who you would like to come forward? Okay. Sure. We're going to open this up for some public comment. Go right ahead.

Vice Mayor Soden:

Emily Hampton. Come to the microphone. Come on down.

Mayor Amyx:

If we could have your name, please.

Emily Hampton:

I'm the Executive Director of Sunrise Project, a non-profit.

Vice Mayor Soden:

What she just stated as her title made me a little concerned with removing social service agency because I know that you're involved with Healthy Sprouts. I think that's the name of it. Is that really a use that needs to be stricken for one thing?

Emily Hampton:

Right. That's a question I have, I guess, for planning. We're a non-profit. We'll have educational classes on site. We will have our offices on site, we hope. I don't know if striking those would make it so we couldn't do those things or, I'm not sure.

Vice Mayor Soden:

Yes. That's my question. Thank you, Emily.

Scott McCullough
Planning and Development
Services Director

Well, I'm not sure, Mayor, if you have any more information about this. We've known the full scope of every use because we've been generally talking about the zoning of it and not trying to categorize specific uses. As I understand it, the uses that they want to perform here is what we've been focusing on. Not that their ... A social service agency, again, is a defined use in the code. It's usually a use that provides services to the public, segment of the public, so it's defined that way. I think our understanding of what they want to do on the property wouldn't qualify as a social service agency like you think of other social service agencies. Being a not for profit ownership of a business doesn't make you a social service agency. What they do makes it a social service agency or another type of use listed here.

Vice Mayor Soden:

What about the administrative professional? If you had a non-profit agency that may, or may not, be a social service agency?

Scott McCullough
Planning and Development
Services Director

I think this discussion goes to the point of it does start limiting the uses there that could be there that, again, through our process, we felt like they were mostly an all interior kind of uses. They pull a little traffic in. It could be that a social service agency needs an office suite, like you just stated, that we would classify as administrative office, where they perform some function that does administrative office functions. That they, at that point, if that use came to this property, that we need to go through the zoning process to get that looked at anyway.

Vice Mayor Soden:

I don't know if I'm comfortable with that.

Commissioner Herbert:

I understand what you're doing and I truly appreciate it. The only concerns that I think have been raised don't have anything to do with the social service piece or the healthcare office. I don't think anyone's concerned about a small walk-in clinic being in their neighborhood. I think its item number eight up there that eliminates manufacturing and production ultimately. It seems like all of the parts of that zoning that aren't very intrusive into a neighborhood all have really heavy restrictions, not to exceed 3000 square feet. The one people are worried about doesn't have such a restriction on it, you know, the limited manufacturing and production. I'm not sure that removing pieces like social service agency, healthcare ... I'm not sure that that does us really any good towards identifying what some people have identified as a problem.

Mayor Amyx:

The other side of that, Matt, is that I look at the requirement of the special use permit as being the heaviest kind of hand we can put on anything. That's where I think that I'm coming from there. I understand what you're saying. I'm just trying to make it so that, if there's something that ... heaven forbid, I don't know what it would be. We would have the ability to at least control it. I see through special use permitting, we have that. That hand to be able to take care of it. Some of the other things, I don't see where we have anything other than it's allowed by right. That's my concern. We don't want to stop anybody from being there that is an important part of this process. I don't want to get down to deciding things by definition on whether or not it is or is not a social service agency because I wouldn't know.

Emily Hampton:

I would just argue that maybe we are. I mean, it could fit into that, so I'd hate to limit. I would just request that we keep that in so that maybe we don't limit ...

Scott McCullough
Planning and Development
Services Director

I don't think we've concluded one way or the other from ... We haven't done that kind of depth of exercise. The impact of this exercise of looking at the uses here might be that we're taking away something that's part of the project that's not harmful to the neighborhood.

Mayor Amyx: Before we get down to re-writing the ordinance, it probably looks fine. Anyway, just thinking out loud.

Vice Mayor Soden: Thank you, Emily.

Commissioner Boley: Can we re-number that satellite dish to 11 from 13?

Scott McCullough
Planning and Development
Services Director

Yes, sir.

Commissioner Boley: That'd be nice.

Mayor Amyx: Very good. Is there any other public comment on this item? Yes, Ma'am.

Kelly Jones: Hi. I own the property that actually share a driveway with the Sunrise ... The former Sunrise Garden property. I've watched this closely. Of all the things that I thought I would stand in front of the City Counsel and say, I will definitely assure you that I did not think I would find myself in the position of saying, please, rezone my neighbors from residential to light industrial so that we can make tofu there. That is something that only people in Lawrence, Kansas say. But here I am. Thank you very much. I really have come to this place where I agree with the idea, the general idea of what they want to do. I'm looking forward to them being our neighbors if you all approve. The other thing, I happen to be a social worker. 20 years of practice in social work. I know what social services are and I could define them for them quite well. In fact, I work at KU, I don't represent KU, but really I understand social work. They're doing social work. You would need to include that. It's certainly a social service agency and we would like that to be available in our neighborhood, as we serve low income. Please don't cut that. Otherwise, that's it. Thank you very much.

Mayor Amyx: Before everybody comes unwound, I pull this back. I don't need this fight.

Erin Bussin: I live in the Barker neighborhood as well with my family. We're on the 1500 block of New Hampshire. Not as close as Kelly or Becky, but only three, two and a half streets away. We're very supportive. Giving teens and especially the middle schoolers that are right there at Central who come through our neighborhood straight after school and terrorize, in a middle school kind of way, something proactive to do in their neighborhood and engage would be excellent. I don't see the downside at all. I agree with you Mayor that a specialty-use requirement, in my opinion, limits what could happen if the tofu factory does shut down and it's not scary to us at all. Thank you.

Mayor Amyx: Thank you. David.

Dave Millstein I think when Mary and I discussed this earlier today; we wanted to strike out the religious institution. What's that say? Yeah, that one and the Administration and not the Social Services. I think those are the two we thought there was very little potential for that to happen. We were keeping the social service because, of course, basically the Sunrise Project is the keystone of the whole development. When you look at tofu, out of the 120,000, 130,000 square feet in the development, it takes up two and a half percent of the space. It's not as big as the greenhouse or as big as the educational part of the gardens or any of that. I just want to make that straight.

Mayor Amyx: Thanks, David. Other comment. Yes Ma'am.

Becky Maletsky: I live at 1524 Barker, so I have a property that is adjacent. My backyard is adjacent to the property. I just wanted to come and speak in support. I have attended several neighborhood meetings or I guess one neighborhood meeting and monitored our neighborhood discussions about this. I feel that our neighborhood has a great deal of them that are highly supportive and vocal. I feel comfortable speaking for my immediate neighbors who are adjacent to the property. I've spoken to them all in preparation for being here tonight. They haven't expressed any concerns with this. I give my applause to the planning committee, because I feel like they have nailed down these things. I think their specialty-use permit there that protects me as a neighbor. I can come back here and say, "Hell no," if I don't like what's happening later. I applaud you guys, I really think it has been a thoughtful process. I'm here tonight, not because I feel like you need another voice, but because I feel like a lot of people have given big ears to just a few voices in our neighborhood. I feel like Barker has been slightly misrepresented by people who were here and saying we were against it. I want you to hear that I believe, at very least the adjacent neighbors are onboard here. I don't have to list the reasons, I feel like you know them. I just want to let you know that there is a lot of support and we do feel comfortable with what's happening here. I highly encourage you to let these people move forward with this really great process. As a neighbor I'm ready to see the weeds gone and see some action happening again. I urge you to approve. Thank you.

Mayor Amyx: Becky, I appreciate you coming down tonight and saying that. When you come forward a "Heck no" would be fine. No that's fine. There is one thing as Commissioner or as Mayor; we take very serious everybody's voice in the matter. Everybody has the opportunity to come before the microphone and speak their peace. For or against and we'll wade it out to the very end. We

just want to make sure that everybody has that opportunity. Every once in a while there's one voice that at the very end, sometimes it makes some sense and make a lot of sense because it's pretty passionate. Anyway, I appreciate those comments, but "Heck no" will work. Another public comment?

Kerry Windell-Hummell:

I live at 314 East 15th Place, which is the cul-de-sac that is immediately adjacent to the former Sunrise Nursery. I also want to express my support for this project. I don't have a lot of additional things to say, that I have not already heard. Definitely, the people behind the project have been really forth coming and meeting with us as neighbors, answering all my questions. I've had a lot of questions about the special-use permit; those have all been answered for me. I feel as though that addresses my concerns that limit, what else could happen if the tofu factory were or were not to work out. Again, I'm up here to just echo support as an immediate neighbor to that property.

Mayor Amyx:

Okay, Thank you. Yes Ma'am.

Magalia LaRossa:

I live at 1208 New York Street. I'm two and a half blocks from the Sunrise property, the former Sunrise Garden Center. I'm a resident of East Lawrence, a neighborhood that hasn't been mentioned yet, but it's as relevant as the Barker neighborhood, I think, to this project. I'm a member of the East Lawrence Association. I'm also the parent of a toddler who has used Sunrise Projects Pilot Program services already and have been really, really pleased with that and seeing the multi-age potential for their activities. I want to express my support on various fronts. I'm also a faculty member; I'm an assistant professor at K.U. As a member of an educational community here, I also want to voice my support. I really urge the commission to approve this rezoning for several reasons. Perhaps, most importantly, because it's the only way to maintain the historic character of this site. This is the way we can see these greenhouses back in existence, right? East Lawrence is a very significant historic site for this community. I see that garden center site as an extension of the East Lawrence neighborhood and the historic character of my particular street, New York Street. I'm in a pre-1865 house as are many on my block and on the blocks along the route between me and the garden center. I've spoken at length with neighbors between me and the garden center and have heard nothing but support for this project as well, so, I want to express that. In order to preserve and both honor that historic nature, I think that the rezoning is really appropriate. I also think that the Sunrise Center or the Sunrise project as you've heard from many people is going to be a tremendous contribution to the community. Giving a space for a community organization, for community networking. A space that is really going to reaffirm a lot of the values that are really core to Lawrence as a city and as a community, related to

sustainability, accessibility and family support. This is going to be a place where families can come together in a productive manner. Failure to approve this rezoning I think would have a really negative impact on the historic character of the area. Again, I just want to really voice my support, both for the programming of the Sunrise Project but also for what this rezoning means in terms of preserving that historic character. Thank you and I urge you to support this rezoning.

Mayor Amyx:

Thank you. Okay, any other comments? Yes Ma'am.

Katie Winter:

I'm just another quick person in support of this project. I was born and raised in Lawrence, have a lot of fond memories of going to Pence's and then Sunrise and then actually as a teenager my first job was at the Sunrise Garden Center. After being away for about fourteen years, I've moved back to Lawrence and right in the Barker neighborhood on 15th and New Hampshire. I'm very excited about this project. I was looking at the property over the last year and seeing it vacant, it was clear that it was going to take a real collaborative effort from a lot of people in the community. I think the creative thinking from this group that we have here and then the support that we have from the city has been great. I look forward to living back in Lawrence again and hopefully seeing this go through. Thanks.

Mayor Amyx:

Thanks Katie, welcome home. Any other public comment? Yes sir. How are you?

Matthew Stevens:

I'm good thank you. I live at 1536 Learnard, so I'm about three houses down from the sight. I too wanted to echo, I guess as an immediate neighbor my support for this rezoning. It's one way to preserve those greenhouses. Which I think are a very important part of the neighborhood together. Also, the immediate neighborhood and I think what everybody is doing there is going to be really good. I think, what other people have said too about the special-use permit process that the tofu facility or some of the other things that could go on there, what we'll have to go through. I feel completely comfortable that that would give me and my neighbors plenty of opportunity to voice our concerns if we have any. Thank you.

Mayor Amyx:

Thank you. Anyone else? Back to the commission. Okay, the applicant made mention about the neighborhood ... I think that the administrative office, the professional office probably ought to stay before we get into a situation of having to define, what is, what's not. I think I can probably guess that one. The other one he brought up was the neighborhood, so we'll leave the administrative and the professional office in if that's okay with the commission. (agreement from members) Okay, we'll do that one. Social Service agency, no, I'm not getting in trouble over that. The neighborhood religious institution?

Scott McCullough
Planning and Development
Services Director

Mayor we believe that that should remain even if there is no prospect for it today. It's a kind of protected class of uses.

Mayor Amyx: Right.

Scott McCullough
Planning and Development
Services Director

So, our recommendation is to leave that in.

Mayor Amyx: That would be my suggestion.

Vice Mayor Soden: I'm satisfied with how it is now. Of course, changing the thirteen to an eleven.

Mayor Amyx: Yeah.

Vice Mayor Soden: ...but outside of that.

Mayor Amyx: Okay.

Commissioner Boley: I appreciate you having them take a look at those other two items Mike, I do. I really appreciate that.

Mayor Amyx: I just wanted to see if the Vice Mayor was paying attention to me. That's all. Matt, did you have any questions or comments? Okay. If not, then the item that is before us then, I guess since we'll be making the changes then is to adopt on second and final reading Ordinance No. 9181. Again, the rezoning of the 2.96 acres, located at 1501 Learnard and this will be changed from RS7, which is a single dwelling residential to the IL District, which is limited industrial with the conditions and limit certain uses as amended by the city commission. That date that we did that was 12-01-2015. The way it is written and the items that we

Moved by Vice Mayor Soden, seconded by Commissioner Boley, to adopt on second and final reading, Ordinance No. 9181, rezoning (Z-15-00427) approximately 2.96 acres located at 1501 Learnard Avenue from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District with conditions to limit certain uses, as amended by the City Commission on 12/1/15. Motion carried unanimously.

2. **DEFERRED (TBD) - ~~Consider the appeal of the Historic Resources Commission's determination per 20-308(g) of the Land Development Code for the installation of a metal arch associated with the sidewalk dining area located in the public right-of-way adjacent to 1012 Massachusetts Street. This item was continued from the 12/01/15 City Commission Meeting. Updated documents will be posted once they are available.~~**

3. DEFERRED TO THE DECEMBER 15, 2015 MEETING. Consider Site Plan Appeal, SP-15-00368, for redevelopment of the site for a car wash, located at 900 and 914 Iowa Street.
4. DEFERRED (TBD) - Consider the following items related to K TEN Crossing (formerly known as Southpoint):
 - a) Consider approving Comprehensive Plan Amendment, CPA-15-00335, to Horizon 2020 Chapter 6 to change the designation from Auto-Related Commercial to Regional Commercial, and Chapter 14 (Revised Southern Development Plan) to revise the future land use designations from open space and auto-related commercial uses to open space and commercial use at the southeast corner of the intersection of South Lawrence Trafficway and US-59. Submitted by Landplan Engineering, P.A. for Armstrong Management L.C. and Grisham Management L.C., owners of record. Adopt on first reading, Ordinance No. 9151, for Comprehensive Plan Amendment (CPA-15-00335) to Horizon 2020 Chapter 6 to change the designation from Auto-Related Commercial to Regional Commercial, and Chapter 14 (Revised Southern Development Plan) to revise the future land use designations from open space and auto-related commercial uses to open space and commercial use at the southeast corner of SLT and US-59. (PC Item 1; approved 6-2 on 8/24/15)
 - b) Consider approving a request to rezone, Z-15-00327, approximately 63.89 acres from RS10 (Single-Dwelling Residential) District to CR (Regional Commercial) District, located at the southeast corner of the South Lawrence Trafficway and US-59. Submitted by Landplan Engineering P.A., on behalf of Armstrong Management L.C. and Grisham Management L.C., property owners of record. Adopt on first reading, Ordinance No. 9152, to rezone (Z-15-00327) 63.89 acres from RS10 to CR, located at the southeast corner of SLT and US-59. (PC Item 2A; approved 6-2 on 8/24/15)
 - c) Consider approving a request to rezone, Z-15-00328, approximately 2.61 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) District, located at the southeast corner of the South Lawrence Trafficway and US-59. Submitted by Landplan Engineering P.A. on behalf of Armstrong Management L.C. and Grisham Management L.C., property owners of record. Adopt on first reading, Ordinance No. 9153, to rezone (Z-15-00328) 2.61 acres from RS10 to OS, located at the southwest corner of SLT and US-59. (PC Item 2B; approved 7-1 on 8/24/15)
5. Receive presentations from the City Auditor regarding the following:
 - a) Receive the Audit Recommendation Follow-Up.
 - b) Receive Performance Audit Work Plan.
 - c) Receive Performance Audit for Lawrence Community Shelter.

Michael Eglinski, City Auditor, presented the staff report.

- Mayor Amyx: Questions Matt?
- Commissioner Herbert: In your audit was there any analysis done on the breakdown of services provided in terms of Douglas County residents versus to, for lack of a better term, a transient person.
- Michael Eglinski:
City Auditor: I didn't do any analysis but I know that they collect information and we've got a couple of board members here who may be better able to answer that. Their staff, are you guys able to speak to that?
- Mayor Amyx: Come on up. If we could have your name too please.
- John Tacha:
Lawrence Community Shelter: John Tacha: Yeah, Board member for the Lawrence Community Shelter. I guess my first response to that would be, I'm sure you understand the irony in asking where someone without a home calls home. The second being, that because our service is unique in the sense that every other service for all intents and purposes can disallow someone to lock their doors to someone, ours does not. That is not to say that once someone is in that we don't do research in terms of where that person was located, what their history is. Not only does that provide us the information that you're asking for, but also helps us better serve our clients. So, if you were to ask our clients on a nightly basis, one-hundred percent of them are from Douglas County. That is what they understand they need to say when they come to the door. The percentage, contrary to popular belief, is actually what we found to be quite high. It is generally between eighty-five and ninety percent.
- Commissioner Herbert: Well, let me explain the reasoning behind my question, which actually leads to a follow-up question. I get the irony of, "where do you live" well, "I'm homeless." I think where my question is going with that is was to follow-up question and ask, I know there is a lot of neighboring communities that surround Lawrence that don't offer, certainly the level of service that we offer, if any service at all. Where I was going with that is, at the current time, are we receiving any revenue at all from neighboring communities for essentially providing a service for them?
- John Tacha:
Lawrence Community Shelter: No, and obviously we've explored that avenue and we're still continuing to explore it.
- Commissioner Herbert: Okay.
- Mayor Amyx: Okay. Other questions?
- Commissioner Boley: I guess I'd like to ask Michael to speak a little bit more about

the conversation or the recorded minutes and the reserves question. To talk a little bit about this problem that they have twenty-three days' worth of cash and that they've been aware of it for some time.

Michael Eglinski:
City Auditor

It's pretty common for non-profit agencies, especially Social Services agencies like this, that they need to have an operating reserve because they get chunky revenue. Revenue will come in when they do a fundraiser or when they do a grant. It's also difficult to raise revenue for that because people rarely say I want to donate, to go into a reserve fund. People like to donate to provide direct services. The board, when I looked at the minutes, over time you'll see once or twice a year, someone will say in the minutes that we need to work on; we need to really get a reserve in three months or two months. A sort of benchmark I saw somewhere in some of the non-profit literature was aiming to three to six months of expenses, which if you think about that that's up to half a million dollars. That's a lot of money to have and it's a lot of work. The value of it is that it can smooth out some sort of cash flow issues. It can help you address any unexpected problems, where if the roof is leaking you can get the roof fixed immediately. Then, rebuild the reserve fund.

Commissioner Boley:

As you point out the peer agencies are much closer to the three months with the fifty-three days. They're not at three months, but they're closer, fifty-three to twenty-three.

Michael Eglinski:
City Auditor

Yeah, when I looked at the days cash on hand at the end of the last year, there were more, the average was about fifty-three. We were a little bit of an outlier. There were one or two down by us, but most were in better shape.

Commissioner Boley:

The reason I say that is because that has an impact on the difficulty the shelter found themselves in when they came to us to ask for emergency funds.

Michael Eglinski:
City Auditor

I think that's fair to say.

Commissioner Herbert:

Michael, on one of your slides you referenced the amount that is being charged to utilities. Does the City of Lawrence currently charge the homeless shelter for water utilities?

Michael Eglinski:
City Auditor

I believe we do.

Commissioner Herbert:

Do we have any idea of where that's at in terms of your budget, what you're paying annually for that?

Mayor Amy:

Could we have you up to the microphone sir? We need your

name.

John Magnuson:
Lawrence Community Shelter

The water, sewage, trash isn't the meaningful portion of our utility expense. Energy expense is much larger so, it's not something we've really looked at as a place to save a tremendous amount of money. If I may, when we look at our budget situation for 16' and beyond the board recognizes it would be great to have a reserve. Frankly, it's going to be very challenging for us to build up a meaningful reserve over the next twelve months. It's going to be a two, three year project to get there. We haven't finalized our budget for next year, but on the expense side we're currently projected to come in significantly below where we've been the last couple of years, primarily savings in some staffing expenses. That said that we've also projected being a little light on some of the on-going maintenance expenses. We don't have anything in that budget for an expense that might come up; if the furnace goes out or something like that. We've projected at this point, a very rosy scenario for next year with regard to the maintenance expenses and we've also cut our staffing expenses. Even with that, we currently anticipate a slight deficit for next year and we're evaluating ways to get that fixed. At this point, the boards view is, step one, address the structural deficit so we're not spending more than we're bringing in. Step two, is that reserve fund and it's going to take time. It's going to take more than a year to get where we want to be.

Mayor Amyx:

Question, is there a certain number of people that you can care for with inside the limits of the monies that you have right now? Is it about numbers served or is it just the other fixed cost and I don't know.

John Magnuson:
Lawrence Community Shelter

There is some marginal expense associated with the numbers served.

Mayor Amyx:

One of the things we got into was raising the number obviously when we move to the new shelter. Then we raise the number in the winter months. We did that a couple of years ago, we raised that up. I just wondered how much of an increase on the number of people served, can we continue to afford to do that or are we going to see deficits continue to mount up?

John Magnuson:
Lawrence Community Shelter

It's a bit of a complicated question. On the margins, there really isn't much. The staffing that we have to serve them; if we have ten or fifteen more people we're not going to increase our staff. If we remove ten or fifteen people we're not going to be able to remove staff, it really comes down to a coverage area question. If we have to have night monitors to monitor a room, whether there's twelve people in that room or fourteen people in that room, you've still got to have somebody there to

monitor it. I'd say in the near term, the answer to your question is there is really not much flexibility without some drastic changes, cutting it in half so we can shut off the whole are or something like that. In the long term of course, we feel like we're nearing the upper end of what our staff can handle in terms of cases per worker. If we're going up thirty, forty percent on an on-going basis we would have to increase that. At the margin, no, there's not really a change in our budget.

Mayor Amyx: We've probably limited out on the number of folks that we can serve based on the staff that we have today and the dollars that we have today?

John Magnuson:
Lawrence Community Shelter Yeah, we're very close, in terms of the ongoing 125, the normal number. I think emergency cold weather, overnight situation we can probably go higher than what we are currently at. That's not an ongoing service. Like I had said if you've got night monitors in a space adding a few more people in the room doesn't require an extra monitor.

Mayor Amyx: Okay. Thank you.

Vice Mayor Soden: You know, Matthews question or Commissioner Herbert's question makes me stop to wonder if, because Eileen Horne of course is doing an energy audit or our facilities and since they are a vendor that might be appropriate for her to add to her list to do.

Commissioner Herbert: Are you talking about my utilities question?

Vice Mayor Soden: Mm-hmm (affirmative)-

Commissioner Herbert: Yeah, I'm just looking for ways; I know that when budgets are tight and you're trying to craft a budget for the next year and ultimately you're in a situation where, closing the door and locking people out is not really the desirable end game here. I think people are sometimes more comfortable with the city using its leverage with things we can physically do to make the situation better without having to hand over an additional pile of cash. I realized that the city water utility might be a pretty small amount of money in the overall budget, but I think it's something where if there's a way that the city could support the shelter by waving that fee. I think that's something that would be pretty widely accepted as a community. This is a small amount of money. It's what the city can do as a way to promote the existence and on-going efforts of the shelter. I don't know that it's going to have any impact in terms of their ability to build their reserve fund, but it's one less fee that they would have to pay out of their total budget.

Mayor Amyx: Okay. That's something to think about.

Commissioner Herbert: I think to me, my original; and again it's a hard thing to audit. I understand, because how do you ask somebody where they live when they're homeless. I think to me a bigger concern would be making sure that our efforts are serving community members. That all of us with a stroke of bad luck could find ourselves in a situation where this is a service that we need. I have no problem putting all hands on deck when it comes to providing a service for people who find themselves on hard times within our community. Somebody who has lived here their whole life and is a Lawrence High Graduate and has come upon struggles that has put them in a position where they need help and they require service. I have absolutely no problem dumping all of the resources we can. I think where there becomes some concern within the community is where we start talking about whom all is being served with this service. Our Lawrence tax payers financing services for people far beyond Lawrence. That would be an audit, a number that I'd be interested in seeing.

Mayor Amyx: Okay.

Vice Mayor Soden: As the commissioner that wanted to bring in Syrian refugees, I'm probably not the one to answer that question for you.

Mayor Amyx: It's a reasonable thing to look at to begin what could be that reserve fund. The requirement could be that has to go in to help build that. Maybe it's not a lot, but it's something.

Commissioner Herbert: I just think and I realize I'm comparing apples to oranges here, but I think about a couple of months ago when we had somebody come in from Johnson County and we're, I shouldn't say very demanding, that's an impolite way to phrase, but we're requesting some funds from the City of Lawrence because ultimately the Joe serves Lawrence but is at Johnson County. I look at the same thing with the homeless shelter. You look at all the communities that surround us in Lawrence that have nothing compared to what we have or nothing at all and we're certainly serving their populations and getting no reimbursement for it. We're providing the staff, we're providing the utilities, we're providing the shelter and we're getting nothing in exchange for it.

Commissioner Boley: I think Douglas County is providing some resources to the shelter and so there are folks from out of the county that are helping with that. We need to recognize that. I think it's possible that some of the other cities in the county, maybe a little bit beyond. I think that you guys have been, John & John have been having those discussions and I appreciate you doing that.

Vice Mayor Soden: Are you guys interested in Eileen Horne adding ...

Commissioner Boley: I think that'd be great.

Vice Mayor Soden: ... to her list.

Diane Stoddard:
Interim City Manager

If I might just make a couple of comments. I think that with Eileen, since this isn't a city facility, I think though that she would regularly answer questions for any businesses or residents in Lawrence about maybe ideas about how to save on their energy bills. She may also be a resource for them with regard to maybe there are programs for audits and other energy savings for non-profits that can be looked into. I can certainly touch base with her and see if she'd be willing to visit with them and I'm sure that the county administrator wouldn't have any problem with that either. At least maybe she can steer them in the right direction. Then, just on the water and sewage issue, I think one consideration I think that will be important for the city commission to take into account is obviously we have a large number of non-profits in the community. What are the implications with regard to other entities if we were to provide services to one? That's certainly something that we could gather some information on for you all in terms of the statistics and things. A big example is K.U. and that's a big bill.

Mayor Amyx: Yeah, we're not.

Commissioner Herbert: Is that a motion I heard?

Commissioner Boley: I appreciate that Diane.

Diane Stoddard:
Interim City Manager

Diane: Any, if there is some interest in us putting together some information.

Commissioner Herbert: I remember when they came forward for the emergency funding one of the, Mike I don't know if it was you that made the comment, but the comment was made, "What are we going to do to make sure that this is truly one time funding."

Mayor Amyx: John answered it.

Commissioner Herbert: Yeah.

Mayor Amyx: It was the last time.

Commissioner Herbert: Yeah.

John Tacha:
Lawrence Community Shelter

I kind of sure hoped it was then, to be fair I said it was the last time I will.

Commissioner Herbert: I guess what I'm looking at here is options to where we could do something as a governing body to try to ensure that that is actually the case. It's not an attack on anything that you've presented, I don't want this to come across as an attack on you, but I don't have a ton of confidence that that's the case when I hear you say we're already projecting a deficit here. It seems like that one time may not actually be a one time, but maybe a one-time per year.

Commissioner Boley: Well, I think that the information that Michael has gleaned from his examination of the operations of the community shelter and the comparisons to the peer agencies will be very valuable to the board of the shelter as they move forward. I really appreciate your work Michael; I think you've done a great job.

Mayor Amyx: Anything else on this side?

Vice Mayor Soden: Thank you Michael.

Mayor Amyx: Michael, thank you. Thanks gentlemen. We'll be in touch. So, are we going back to the first item, the audit recommendation?

Michael Eglinski:
City Auditor: Yeah, we can do that.

Mayor Amyx: Okay.

Michael Eglinski:
City Auditor: I'll go over this pretty quickly. Every six months, I do a follow-up on audit recommendations. It's a system set up in the city code to track recommendations. I request that the City Manager tell me what's the status of these. I look through what they provide me and I categorize them as implemented, not implemented, in progress, or I think I have another, undetermined or pending. If they're implemented, I ask you all to have me close those recommendations, and then they come out of the system. Otherwise, I follow up the next six months. This latest time, there were seven recommendations that I categorized as implemented. Those were about performance measures and parking for solid waste services, including questions about the taste and odor of water in our resident survey, putting infrastructure into the existing infrastructure inventory systems for Rock Chalk Park, providing some additional information, mainly to the public really, about sidewalk defect data, making sure that the annual financial audit gets presented to the City Commission, and that happened, and making sure that the budget documents description of debt issuance guidelines actually is the adopted debt issuance guidelines. Those are the seven ones that have been implemented. That might be a record for the most, I think, in one six-month memo, so that's fun. What I'd like to

ask is ... I'm happy to answer any questions about any of these, and if there aren't, I'd like to ask you all to direct me to close those seven recommendations.

Mayor Amyx: Questions?

Commissioner Boley: I think we can close these.

Mayor Amyx: Yeah, I think we probably can.

Commissioner Boley: We need a motion.

Mayor Amyx: Yeah, I would entertain a motion to close the recommended follow-up and the seven audits...

Moved by Commissioner Boley, seconded by Commissioner Herbert, to close the recommended follow-up and the seven audits. Motion carried unanimously.

b) Receive Performance Audit Work Plan.

Commissioner Boley: I'd like to say thank you to staff for implementing these and thank you to Michael for raising them. It's great when we can move forward on some of the things we can do. I appreciate the response in this.

Michael Eglinski:
City Auditor

The city code requires me to basically ask the City Commission for direction on coming work. I do that by developing a big list of possible audit topics. I put them in something of a priority system where there is what I think I'd probably call them higher priority under the method I use. Things that make things higher priority are related either to the scope or to things like if it shows up consistently in the resident surveys as a high priority, I'd put it up in there. It also includes things where it was on last year's plan but I didn't complete it. That'll make it a high priority automatically. What I usually ask you all to do is provide me some direction on a number of projects. Typically, I can get four done in a year. Typically, the commissions give me five, six, or seven projects to work on, but I do my best to get some direction on that. I lay these out, but you also are welcome to come up with anything else that is reasonable for me to do. My only real recommendation, I really think that doing that financial indicator report is good, and I'd like to continue doing that. Then this item called B, of looking at how Public Works has been documenting their infrastructure inspections, I think that would be a project that would be worthwhile. I think it would be fairly defined and straightforward to do. I think it would be a great project to do around this time of year where it becomes harder to get meetings with people and people are on vacation. This would be a lot of sitting there at a desk with a

couple of project files and just going through them. I'm happy to answer any questions or take any direction.

Vice Mayor Soden:

I got a project idea.

Mayor Amyx:

Before everybody jumps in at once, Vice Mayor?

Vice Mayor Soden:

I was talking to Michael about this the past couple of days. I've been really impressed with the County and how they've been collaborating with other entities to figure out about the jail, handling mental health court clients, I guess you might say, the crisis stabilization center, all of that. I thought it might behoove us to also try to do some analysis and then perhaps projection into when we have the crisis stabilization center, what that's going to do to the workload of the police officers now, because of course that's a lot of time-intensive duties that they do now is handling those kinds of things. I think it would be really helpful in our planning regarding police facilities, to know how much, perhaps, is spent with that now than with the new crisis stabilization center, how that time might be reduced.

Commissioner Boley:

Would that include the municipal court aspects of that?

Vice Mayor Soden:

We could do that too.

Commissioner Boley:

I'm interested in how municipal court works to notify people with a notice to appear of their court dates, to try to make sure those folks show up and we don't have to issue warrants.

Vice Mayor Soden:

When you asked me, you weren't talking about the mental health court, you were talking about ...

Commissioner Boley:

I'm just talking about municipal court.

Vice Mayor Soden:

I misunderstood what you said.

Mayor Amyx:

Municipal court, yeah.

Commissioner Boley:

Yeah. I see that as related to what you're talking about. I don't know if Michael would. I guess the other thing I'm looking at is, we're going to be making a pretty big decision in a week or two, and it might be good to get some input from the new City Manager on what they might want to have some understanding of. I think that that's another. I don't want to send Michael to go ahead and do all this stuff in the next year. If there's something that we decide we want to work on, we could always push on. I agree with you on the financial indicators. Those are critical and that work needs to be done. You're right exactly on that one.

Commissioner Herbert: One of them you've already got in your list but I think is going to be an ongoing conversation this community has for a very long time is currently F, downtown parking. I would not recommend taking that off your list anytime soon.

Commissioner Boley: That's a good point.

Mayor Amyx: Good idea. From the list of possibilities, watching last summer and visiting with Diane about our overtime, where all of our overtime comes from, you have one item mention of overtime controls. I was intrigued by that one. Then the other one was, timing-wise, would it help the Commission on having Michael make recommendation throughout a performance audit on the process for reviewing and improving incentives, such as Tax Increment Finance, TDDs, and tax abatements, and industrial revenue bonds. Since that's something that we've decided that we're going to talk about right after the first of the year, we can have that be first on the list as a possibility.

Commissioner Herbert: I'm curious about you having a reaction to that.

Michael Eglinski:
City Auditor: I think I'm up to seven now. That's okay, yeah. I think the idea also of, when we have a new City Manager, of re-talking with them about maybe re-revising the thing would be completely appropriate. There may be issues that they would like or that they see. The main thing I need now is I need something to do now.

Commissioner Boley: Can you work on the financial indicators or is it too early?

Michael Eglinski:
City Auditor: It won't keep me busy, because I got to work on financials.

Commissioner Herbert: Can you fix downtown parking?

Michael Eglinski:
City Auditor: Okay, sure, like that.

Commissioner Boley: I would say that the Mayor's point about the process for reviewing and improving incentives would be something you could do right now and that would be very useful to us as we try to do our discussion in the near future.

Vice Mayor Soden: I like the idea, but I feel like staff is already working on that, so I'm not sure if we also need to put Michael on that.

Mayor Amyx: The other big process we'll put you through?

Diane Stoddard:
Interim City Manager: We do regularly review these agreements and things, but I certainly don't see any harm of Michael taking a look at what it is that we do, how we do that, the documentation that Britt

receives from companies and that kind of thing, if that's what-

Commissioner Boley: I think that's very topical, I think that it'd be a good thing to jump on.

Commissioner Herbert: In your role, even though you work for the City, as an auditing entity, you're an independent, and so I think it would be nice to have a non-City staff person focused on that, obviously.

Vice Mayor Soden: I would certainly put the police stuff very high on the list, since that's going to be a big topic next year.

Commissioner Boley: I think if we have one thing that we're trying to ask Michael to look at right now, this would be a good one, because we're going to be having that conversation soon on the incentives, and that would give him something to work on and the new City Manager can fill out.

Mayor Amyx: I don't disagree that the police is very important and timely.

Vice Mayor Soden: We're talking about a \$27,000,000 project. It would probably be good to have some good data on that, but that's just me, perhaps.

Mayor Amyx: Probably.

Commissioner Boley: I don't disagree with that, I just think for right now this would be a good project to work on.

Mayor Amyx: You want to go for eight?

Commissioner Boley: Its priorities.

Mayor Amyx: Priorities.

Commissioner Boley: Priorities.

Mayor Amyx: Michael has suggested the financial indicators and then documenting the infrastructure. Instruction and inspections, and that's later on in the year, right? Matthew, we're talking about downtown parking, to leave on the list, correct?

Commissioner Herbert: Yep. That's going to be a long-term issue.

Mayor Amyx: Vice Mayor, your item that deals with the police, let's be specific as to what we're going to ask the auditor to be doing.

Vice Mayor Soden: I think it's important to understand now how much time they spend with mental health issues, I guess you might say, and then once the County has their crisis stabilization center, what's that going to do with their workload. There's a couple of

initiatives that the police sound very interested in staffing in a more heavy kind of way. The idea that we could perhaps be working in the future and projecting these priorities that they will have I think would be really helpful if you're planning on building for them.

Mayor Amyx: Stuart, what was yours?

Commissioner Boley: The municipal court, how that ties in to the same thing. If we could reduce the number of warrants issued by doing a better job or maybe beefing up the notifications on getting people to get to court.

Mayor Amyx: Overtime control is going to have to wait, is that what you're telling me?

Michael Eglinski:
City Auditor I'm happy to put it on the list.

Mayor Amyx: Let's put it on the list, no doubt.

Michael Eglinski:
City Auditor One of the things that happens if it's on the list, is it would definitely, if I don't get to it, it'll come back. Sometimes things that are on the list also can maybe fall into another project, so if there's an opportunity, I can take a look at it.

Commissioner Herbert: Vice Mayor, I'm just trying to find ways to consolidate so that you actually have a list that's doable. Does your concern fit within Part C, I guess, that he's currently focusing on? Would you see her comments as being similar to that vein?

Michael Eglinski:
City Auditor The C item?

Commissioner Herbert: Or is that a totally different issue?

Michael Eglinski:
City Auditor I think there's overlap, but I think this, specifically looking at the crisis stabilization center, is a little more focused. I think focused is often good, makes it easier to design the work.

Mayor Amyx: We probably don't have any room to put anything else on right now.

Michael Eglinski:
City Auditor That's, one, two, three, four, five, six. That's a good start. When we have a new City Manager, I will certainly meet with that person and discuss and share this list, and if appropriate, come back to you all. The code has process for amending my plan, so that may be appropriate.

Mayor Amyx: Sounds good. Public comment on this item?

K.T. Walsh: I'm pleased that you're going to have Michael look at the process for granting incentives, and I know that Britt Crum-Cano vets, and they have to present a lot of information to her. My opinion of the worksheet they get, the answers they need to fill out for the incentives review committee, god, not to insult anybody, but it seemed like a 7th grade test to me. You're allowed to just check-mark things and make very short answers. It just seems like an afterthought. I'd be really interested in how other cities handle that and what questions they ask when it comes to that point in the process. Thank you.

Mayor Amyx: K.T., I think one of the things that really helps that process is the professionalism of our staff. I think that that is one of the things between Diane and Britt and everybody involved. I think it looks easy or it looks simplified by the time it gets to the public incentive committee, but I think a lot of the work, a lot of the major work has been done. I do appreciate the fact that, yeah, there is just checks that go on up and down the thing, but there's a lot of important work that's done by our professional staff. Just me thinking. Any other public comment on this item? Back to the Commission. Thank you, K.T. Okay, are we happy with that work plan?

Commissioner Boley: Yes.

Michael Eglinski:
City Auditor Let me read back to you what I think that is. The financial indicators, the inspection documentation project, downtown parking, the impact of a crisis stabilization approach on policing workload, municipal court good practices basically for reducing failure to appears and warrants, overtime controls, and I'm not clear if the incentive process was in that list or ...

Commissioner Boley: I think it's at the top.

Mayor Amyx: Yeah, that it's doable now.

Michael Eglinski:
City Auditor It's at the top?

Commissioner Boley: Yeah, it's at the top.

Mayor Amyx: Because we're going to take it up after the first of the year.

Michael Eglinski:
City Auditor Let me ask, what you're interested in is, describe your process and then what are some other communities doing and how do we line up? Is that a fair ...

Mayor Amyx: Pretty much, as I ... Is there anything that we're missing in our process?

Commissioner Herbert: From my point of view, one of my concerns, obviously it got brought up last week with a specific example, is the way that the City deals with IRBs and not requiring a "but for" clause. To be perfectly frank, that's something I want to push to change. I would like to know if that will make us unique or if we're already behind the times.

Mayor Amyx: Good question. I think the sky is the limit on this.

Michael Eglinski:
City Auditor I might ask Bryan actually. The GASB is changing the rules on tax abatement reporting. I don't remember if that is going to be already in the next financial audit, or is it the year after? Sorry, Brian, I didn't mean to ...

Bryan Kidney:
Finance Director It's okay.

Michael Eglinski:
City Auditor We may have a little bit more data and a little bit more comparable data, or it may be another year before we have that.

Bryan Kidney:
Finance Director What he's referring to is there's a GASB pronouncement that we'll need to start footnoting the amount of property taxes that we have abated, and sales taxes, I believe, starting with our 2016 fiscal report. However, I've talked with Britt and we're up to speed, and I believe we're going to make an attempt to do an early implementation of that and actually have that for our 2015 report. Then also part of that is we are to provide to any other governmental units if we've abated something that impacts them. The school district's report, they'll need it as of June 30th of '15, so yeah, we're up on that, and we'll have something. I think Britt's ready to go on that.

Diane Stoddard:
Interim City Manager I was just going to note that actually, Britt's report already includes that information, and has for a number of years. One of the things maybe regarding economic development compliance and the reporting that we do, all of which is in that report, and maybe looking at how other communities provide that report, but my guess is that we are really light years ahead of any reports I have seen from communities on economic development and what we report out there, how we gather the data and all of that, and maybe that would be something to look at is how do we compare with our peers, but certainly Kansas City's, that I'm familiar with, I think we have a wealth of information in that report that she puts out every year.

Mayor Amyx: Any other direction?

Michael Eglinski:
City Auditor I think you probably should do a motion for me.

Mayor Amyx:

Were there any other questions or comments?

Moved by Commissioner Boley, seconded by Commissioner Herbert, to approve the audit work plan as outlined by the City Commission performance audit work plan. Motion carried unanimously.

6. **Consider a motion to recess into executive session for approximately 30 minutes to discuss confidential data relating to the financial affairs or trade secrets of a corporation. The justification for the executive session is to protect the confidentiality of the corporation's data related to its financial affairs or trade secrets. The City Commission will resume its regular meeting in the City Commission room at the conclusion of the executive session.**

Moved by Commissioner Boley, seconded by Commissioner Herbert, to approve a motion to recess into executive session at 7:48 pm., for approximately 45 minutes to discuss confidential data relating to the financial affairs or trade secrets of a corporation. The justification for the executive session is to protect the confidentiality of the corporation's data related to its financial affairs or trade secrets. Motion carried unanimously.

The City Commission returned to the City Commission room to resume its regular meeting at 8:40 PM. Mayor Amyx stated that there was nothing to report.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

Vice Mayor Soden:

I've heard now ... Let me start over. Van Go, Mandy Enfield that works there, apparently, Greyhound has moved their bus stop to across the street from Van Go, not even at the Amtrak station, but in the parking lot, to the south, I believe, and they've had people come over to Van Go and wait inside their building while they're waiting for the bus. How did this happen? Do you know? Are they supposed to notify us if they move a stop or ...

Diane Stoddard:
Interim City Manager

My understanding, and Chuck can chime in here, is that the Greyhound needed to move their location in the community that their former location that they have had for a number of years was the gas station on 6th Street, and it's been closed. I don't know what all the reasons why that they had to move that, but we understood that they were looking for another permanent location and that they were working on that, I think. They were visiting with us about our ideas for a temporary location while they were looking for a permanent location. I'm still trying to get some additional information. Chuck, I don't know if you have any other details from David that you can share.

Chuck Soules:

That's correct. Greyhound has been in this last week or so,

Public Works Director

trying to address that issue. I don't know about the Van Go issue. They were stopping there at the depot or the Santa Fe Depot, they asked us about the UP Depot when we talked about it for a couple of months while they try and get some agreements with somebody else. They come up 70, they would like to be closer to 70, and they're just not finding anybody willing to accept. They essentially, they stop there three times a day. Dave went out and actually saw them when they stopped over at the Santa Fe Depot. It takes about two minutes per stop. I don't know about patrons and stuff, how long before they get there. They do all their sales online so all they got to do is get on board. We're working with them and we're trying to find a better location.

Diane Stoddard:
Interim City Manager

I think their location is probably one, my guess is that they're looking for a permanent location that has some amenities for people that are riding, because they do often get dropped off in advance in the bus riding, especially if the bus is late, people that are arriving need to call for a ride usually, or otherwise arrange for a ride. That's why usually these uses are in another facility, there's some kind of a lease arrangement or something like that with them, so that their folks can access restrooms and other places inside.

Vice Mayor Soden:

That's my suggestion. For one thing, apparently Van Go knew nothing about it, or I assumed Kennedy Glass and other places around it. There's no sign there that says it's an Amtrak or a Greyhound stop, so no one is really sure where they're supposed to wait for their bus at. Can we just open that Amtrak building? Because Van Go is basically housing the Greyhound riders now in bad weather. I think that's something that is asking a bit much for Van Go to do.

Diane Stoddard:
Interim City Manager

Here's the challenge with the station. It's not in our former ownership currently, so we can't really just open it. It is not open, except for by the Amtrak caretakers at the time the train arrives and departs, so those windows are small. I don't know, perhaps Greyhound misunderstood and they thought that it was open all day. I don't know, but that's certainly not the case. This is some information I think we can follow back up with them. Obviously, since David's been in contact with them, he's got some contacts and we can visit with them about other options for temporary location. Then I think the bigger question then is what they do for their more permanent site, because I think it's an important transportation element for us to be able to keep in our community, and they probably need some help and ideas from us about that.

Vice Mayor Soden:

Yeah, because I'm not interested in kicking Greyhound out of the city, however, the people's only option is to go to Van Go, and then considering they have kids there, that is a terrible

option. Even if we had to use Rock Chalk Park or the library or some place that did have some kind of amenities and a sign that says "Temporary Greyhound Stop," that would be extremely helpful, I think, to a lot of neighbors. Sorry, I'm done ranting now. I was just shocked. I was like, "How can they just do this right off the bat and then none of us know about it?" I don't know, but I was really disappointed about it.

Mayor Amyx: Very good.

Vice Mayor Soden: That's my rant, I'm over.

Mayor Amyx: Feel better?

Vice Mayor Soden: Or I can talk about another rant.

Mayor Amyx: Other Commission items? Stuart?

Commissioner Boley: Mayor, I'd like to let you know and the Commissioners know that I mailed a letter to the Lawrence Community Shelter informing them of my resignation from the Board of Directors. With the recent \$50,000 in emergency funding from the City of Lawrence, the release of our City Auditor's report, and the permanent, the hiring of Trey Meyer as the permanent shelter director, I believe my participation on the board is no longer necessary. The reason the Mayor put me on there was to help them look at their financial issues. I think that we've generated a lot of good information, Michael's done a great job, so I don't think my participation is necessary in the future. As you know, a significant factor in my decision to resign is the press of my other obligations. We do have a few things going on.

Mayor Amyx: Yes sir, we do.

Commissioner Boley: I do want to thank the shelter board for the opportunity to serve on their board and interact with the board members and staff on these issues. I appreciate the meetings I had especially with John Magnuson, who was here tonight, Joe Baker, and Todd York, we had some good meetings with them, and Craig Weinaug, and Casey was there. I wish them, the whole board, the best, as they continue with their work in the community. I'll be happy to attend Community Shelter board meetings in the future if they would see that as beneficial.

Mayor Amyx: Very good. I do think that you gave some great help to that board during the time that they really needed it. Let me ask you this, you think it is something, and I'm not trying to think up something for the Vice Mayor or Commissioner Herbert or Commissioner Larsen to do, but do you think it would be important for a Commissioner to serve on that board in an ex officio manner or anything like that, or is that not necessary?

Commissioner Boley: I don't think it's necessary. If I thought it would, I would stay on myself.

Mayor Amyx: Yeah, that's what I figured.

Commissioner Boley: I think the board has an opportunity to take the information that's been provided, to see what the path forward, and as I say, I wish them the best as they try to fulfill the mission of the organization.

Mayor Amyx: I appreciate you giving us the heads up; appreciate your service on that board. Anything else?

Commissioner Boley: Thank you.

Mayor Amyx: Matt, did you have anything?

Commissioner Herbert: No sir.

Vice Mayor Soden: We need to develop a policy for donations to the Affordable Housing Trust Fund. We need some kind of process for them to go through so that it's transparent. Also notification as well is better handled; we just need to develop something like that. I think it's really important.

Mayor Amyx: This is in reference to the one individual that was going to donate; I think it was tickets or something, right?

Vice Mayor Soden: No. This is the Pachamamas' IRB request. They want to donate \$75,000 to the Affordable Housing Trust Fund, which is great, but we need to know that first of all before Tuesday night. It needs to go through a process and a procedure. It should probably be transparent. I've already done my rant about Amtrak.

Mayor Amyx: There you go.

Vice Mayor Soden: That's a second rant. Keep it in.

H: CALENDAR:

Diane Stoddard, Interim 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 Vice Mayor Soden, seconded by Commissioner Herbert, to adjourn at 8:55 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON FEBRUARY 2, 2016.



Brandon McGuire, Acting City Clerk