



City of Lawrence

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CITY COMMISSION

MAYOR
MICHAEL H. DEVER

COMMISSIONERS
SUE HACK
ROBERT CHESTNUT
DENNIS "BOOG" HIGHBERGER
MIKE AMYX

April 29, 2008

The Board of Commissioners of the City of Lawrence met in regular session at 5:30 p.m., in the City Commission Chambers in City Hall with Mayor Dever presiding and members Amyx, Chestnut, Hack, and Highberger present.

REGULAR AGENDA

Receive Report from the City Auditor.

Michael Eglinski, City Auditor, presented his report. He said his memo contained his list of proposed 2008 high priority audit projects; other 2008 projects; and a list of other potential audit project topics. When the City Commission discussed the work plan at its last meeting, the Commission expressed an interest in seeing a large list of possible audit project topics.

Mayor Dever asked how much feedback he received from members of the public.

Eglinski said he received very little. He said he included citizen concerns by reviewing the recent citizen survey and using it to identify priority audit topics.

Commissioner Highberger asked for clarification about item B on the list, the Police administrative bureau preliminary review. He said there was currently some discussion of a citizen review board and asked whether this audit would overlap or include that.

Eglinski said it could possibly include some discussion of that citizen review board topic. He said the administrative bureau includes the internal affairs function. He said the police administrative bureau preliminary review topic was suggested because of the size and budget of



the department and the potential to identify other topics for audit within the administrative bureau.

Commissioner Amyx said he agreed with the pavement condition measures as one of the first audit topics as a high priority for 2008 and the Transit system was also another hot button topic. He asked whether that shouldn't be on the list of high priority audit projects since others see it as a hot button topic as well.

Eglinski said he recalled a couple of conversations where the transportation system came up but compared to other matters on the list there were other projects that he may want to focus on first and that came up more often.

Vice Mayor Chestnut said he met with Michael earlier about this and one of the reasons why Transit didn't receive a whole lot of attention on this list was because of the federal funding we receive, it already gets quite a bit of attention and review and there is a federal government periodic audit that is conducted every couple of years.

He said he agreed items A through H on the 2008 high priority list were all important topics but item H, the Planning and Development Services review may merit being in the top 5. He said the two departments recently merged into one, there was a new director, and as Michael's memo pointed out, there was a lot of citizen interest on this topic.

Commissioner Hack asked where Chestnut would put the item in the list of priorities.

Vice Mayor Chestnut said they are all important but as Michael pointed out he reviewed all 2007 City Commission agendas and planning and development topics were far and away the number one item in terms of frequency on the agenda.

Mayor Dever said it would be important to prioritize the list of topics in order to be able to get at some of the low hanging fruit. He said he was glad to see the street light payments as

one of the higher priority items given the current process, amount of dollars spent on street lights, and the relatively low rating by citizens on the adequacy of street lighting.

Commissioner Hack asked Eglinski whether he had a timeline on which items could be checked off the list first.

Eglinski said he had some thoughts on that point. He said he talked with some of his fellow performance auditors in other jurisdictions, including the City of Olathe which was also a one person shop, and he thought about four audits per year was a pretty good workload. He said the pavement conditions measures would be the first item based in part on the time of year. In addition, he said the ethics questions for future employee surveys would not take much time because there was not a whole lot to do with that item in 2008.

Commissioner Highberger said Eglinski made the comment the Matrix Report was sort of an audit topic in and of itself in that he would follow up on the findings and recommendations made by the Matrix Report and check on progress.

Commissioner Hack said based on what she heard from the other commissioners, we should go with what Michael has proposed and then if he can do more than four in the year great. She also asked staff if for an update on the Matrix report recommendations.

Scott McCullough, Director of Planning and Development Services, said staff could provide an update on that report.

Commissioner Highberger said he shared the Mayor's concern about the street lights and the importance of that item on the 2008 work plan. He suggested that a street light audit could also look at how the city makes decisions about where street lights go and what type of lighting is used.

Commissioner Amyx asked if the Commission would then go with the first on the list as proposed by Michael, items A through E, plus the street light payments item.

Mayor Dever asked for public comment

There was no public comment.

Vice Mayor Chestnut complimented Eglinski for his work to date.

It was moved by Amyx, seconded by Hack, to approve the 2008 audit plan as recommended by the City Auditor in the April 24, 2008 memorandum to include items A-E plus G as the work plan for 2008. Motion carried unanimously.

The City Commission then recessed until 6:35 p.m.

Mayor Dever called the meeting back to order at 6:35 p.m.

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval Mayor Dever proclaimed the week of April 27 – May 3, as “National Volunteer Week”; the week of May 4 – May 11, as “National Music Week”; the month of May as “Bicycle Safety Month”; and the week of May 12 – 16, as “Bike-To-Work Week”.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx,** to approve the City Commission meeting minutes of April 8 and April 15, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx,** to receive the Public Health Board meeting minutes of February 28, 2008; the Traffic Safety Commission meeting minutes of March 3, 2008; the Mechanical Code Board of Appeals meeting minutes of February 11, 2008; the Board of Plumbers & Pipe Fitters meeting minutes of March 19, 2008; the Public Incentive Review Committee meeting minutes of April 23, 2007; the Hospital Board meeting minutes of March 12, 2008; the Sustainability Advisory Board meeting minutes of March 12, 2008; the Library Board meeting minutes of February 19, 2008; and the

Convention and Visitors Bureau Advisory Board meeting minutes of March 25, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve claims to 668 vendors in the amount of \$2,134,655.00 and payroll from April 13, 2008 to April 26, 2008, in the amount of \$1,721,526.29. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the Drinking Establishment Licenses for Coyotes Dance Hall, 1003 East 23rd; and Chipotle Mexican Grill, 911 Massachusetts. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to concur with the recommendation of the Mayor and appoint Frances Devlin, to the Library Board, to a term which will expire April 30, 2012; reappoint Carol Hatton to the Mental Health Board, to an additional term which will expire April 30, 2012; and reappoint Richard Heckler and appoint Dan Harden to the Traffic Safety Commission, to terms which will expire April 30, 2011. Motion carried unanimously.

The City Commission reviewed the bids for the construction of a Tire Shop for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
Penny Construction	\$137,900
GSR Construction	\$152,600
BA Green	\$175,000

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to award the bid to Penny Construction, in the amount of \$137,900. Motion carried unanimously. **(1)**

The City Commission reviewed the bids for road salt for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
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Central Salt	\$37.78 ton
Hutchinson Salt	\$46.43 ton
Independence	\$48.46 ton
Cargil Salt	\$55.49 ton

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to award the bid to Central Salt, in the amount of \$37.78 a ton. Motion carried unanimously. **(2)**

The City Commission reviewed the bids for blight mowing for the Planning & Development Services Department. The bids were:

BIDDER		BID AMOUNT
Richard Nichols	Basic	\$40.00 hr.
	Brush Hog	\$50.00 hr.
Lar-Bar Mowing Service	Basic	\$41.00 hr.
	Brush Hog	\$45.00 hr.
Elite Lawn Management	Basic	\$45.00 hr.
	Brush Hog	\$65.00 hr.
Vernon Heine	Basic	\$50.00 hr.
	Brush Hog	No Bid

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to award the bid to Richard Nichols, in the amount of \$40 an hour; and award the bid for Brush Hog mowing to La-Bar Mowing Services, in the amount of \$45 an hour. Motion carried unanimously. **(3)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the sale of surplus equipment and vehicles on Gov Deals. Motion carried unanimously. **(4)**

The City Commission reviewed the bids for Cured-in-Place-Pipe Project for the Utilities Department. The bids were:

Contractor (Bidder)	Year 1 (2008)	Year 2 (2009)	Year 3 (2010)	Total
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I-CON	\$312,708.00	\$360,000.00	\$360,000.00	\$1,032,708
SAK Construction	\$340,225.00	\$330,000.00	\$345,000.00	\$1,025,225
Insituform	\$353,692.00	\$351,000.00	\$364,500.00	\$1,069,192
Utility Maintenance Contractors	\$426,342.00	\$427,500.00	\$429,300.00	\$1,283,142
Municipal Pipe Tool Company	\$438,155.85	\$409,500.00	\$429,300.00	\$1,276,955.85

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to award the bid to I-Con with the option to renew for two additional years, in the amount of \$312,708. Motion carried unanimously. **(5)**

The City Commission reviewed the bids for nineteen tactical vests for the Police Department. The bids were:

BIDDER	BID AMOUNT
RBR Tactical Armory	\$16,017.00
Survival Armory	\$16,852.00
Garron Marketry	\$18,335.00
Southern Uniform & Equipment	\$18,525.00
MSA	\$19,722.00
OMB Express Police Supply	\$20,505.75
OMB Express Police Supply, Alternate	\$23,233.70
Basinger Police Supply	\$21,242.00
Basinger Police Supply, Alternate	\$24,186.05
Alamar Uniform	\$21,755.00
Alamar Uniform. Alternate	\$25,703.20
Amron	\$21,740.75
PDQ Emergency Products	\$25,593.00

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to award the bid to OMB Express Police Supply, in the amount of \$20,505.75 because the bids that were lower had noticeable deficiencies when compared with the FAV Protech Tactical Vest. Motion carried unanimously. **(6)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to place on first reading, Ordinance No. 8262, authorizing the sale, possession, and consumption

of alcoholic beverages at Broken Arrow Park on May 10, 2008 for the Lawrence Sertoma BBQ Cook-off and fundraiser. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to place on first reading, Ordinance No. 8246, amending Chapter V of the Code of the City of Lawrence 2008 Edition to revise requirements for plumbing vent systems and unvented gas appliances. Motion carried unanimously. (8)

Ordinance No. 8250, a Special Use Permit (SUP-01-01-08), for a Day Care Center at First Step Facility, located at 3015 West 31st Street, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. (9)

Ordinance No. 8256, a Special Use Permit (SUP-01-02-08), for Ballard Community Services Early Learning Center, located at 345 Florida Street, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. (10)

Ordinance No. 8260, rezoning (Z-01-03-08) a tract of land approximately 9.03 acres, from RS-7 (Single Dwelling Residential) to GPI (General Public and Institutional), located at 2145 and 2201 Louisiana, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. (11)

Ordinance No. 8261, rezoning (Z-01-04-08) a tract of land approximately 4.09 acres, from RS-7 to (Single-Dwelling Residential) to GPI (General Public and Institutional), located at 1430 Haskell Avenue. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt Resolution No. 6766, authorizing the issuance of water and sewer revenue bonds, temporary notes, or general obligation bonds in the amount of \$4,905,000, for the West Baldwin Creek Sanitary Sewer Project. Motion carried unanimously.

Commissioner Amyx asked the City Manager, regarding the West Baldwin Creek Sanitary Sewer Project and the changes that were made on the design/bid/build portions of the project, to provide those changes so they could look at other projects in the community. **(13)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt Resolution No. 6767, appointing Michael Dever as the City of Lawrence Designee to the Board of Directors of the Lawrence-Douglas County Biosciences Authority, Inc. Motion carried unanimously. **(14)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to concur with the Planning Commission's recommendations to adopt the findings of fact and approve the rezoning request and adopt on first reading Ordinance No. 8251, the rezoning (Z-01-01-08) of approximately .907 acre from CS (Commercial Strip) to IG (General Industrial). The property is located in the 1300 Block of North 3rd Street, subject to the following condition:

1. Approval and recordation of a final plat at the Douglas County Register of Deeds.

Motion carried unanimously. **(15)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to concur with the Planning Commission's recommendations to adopt the findings of fact and approve the rezoning request and adopt on first reading Ordinance No. 8252, the rezoning (Z-01-02-08) of approximately .54 acre from RS10 (Single-Dwelling Residential) to IG (General Industrial). The property is located in the 1300 Block of North 3rd Street, subject to the following condition:

1. Approval and recordation of a final plat at the Douglas County Register of Deeds.

Motion carried unanimously. (16)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to concur with the Traffic Safety Commission's recommendation to deny a request for a "stop sign" for eastbound Cambridge Road at High Drive. Motion carried unanimously. (17)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to concur with the Traffic Safety Commission's recommendation to deny a request for a marked crosswalk, a marked centerline, and speed humps at the intersection of 5th Street and Tennessee Street, and if appropriate, install a yield sign and a path ends sign on the off-street path where it intersects with Tennessee Street. Motion carried unanimously. (18)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the request from Landplan Engineering for a variance from City Code 19-214b which states a private sanitary sewer service line shall not be located in a City public utility easement for greater than 15 feet for 13 proposed residential units at 1500 East 24th Street. Motion carried unanimously. (19)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the request from Peridian Group for a variance from City Code 19-214b which states a private sanitary sewer service line shall not be located in a City public utility easement for greater than 15 feet for 500 Rockledge Road. Motion carried unanimously. (20)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to authorize the Mayor to sign a Release of Mortgage for Robert and Verla Lewis, 1201 West 22nd Terrace. Motion carried unanimously. (21)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to authorize the City Manager to enter into an agreement with Free State Studios (7th and New

Hampshire) for City Street lights and parking meters. The City funding would be \$25,000 from the City's parking fund. Motion carried unanimously. (22)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to authorize the City Manager to enter into a renewed 36 month City/County cooperative agreement with AT&T for long distance service. Motion carried unanimously. (23)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said the monthly distributions were received from the State on the City sales tax and the City's distribution from the County sales tax. He said those distributions were up approximately \$100,000 of what was projected and staff would continue to monitor those distributions. He said he thought staff was on target for achieving what was budgeted for sales tax in 2008.

Also, he said due to federal budget cuts, the Bureau of Labor Statistics has discontinued publication of Current Employment Series data for small metropolitan areas, including Lawrence. (24)

REGULAR AGENDA ITEMS:

Receive request from the Douglas County Commission to expand the concept phase plan development for the 31st Street project to include the segment east of O'Connell Road to Route 1057

Chuck Soules, Public Works Director, presented the staff report. He said in 2006 the City was informed of an earmark to look at the construction of 31st Street from Haskell to O'Connell. That earmark did not have any conditions attached and therefore, could be used for engineering/design, right-of-way acquisition and construction. In February 2008, the City entered into an agreement with Wilson and Company to take a look at the design parameters.

In 2003, the City and County partnered on a study for the 31st Street alignment which the study concluded that an improved 31st Street was needed to carry projected future traffic volumes.

On March 24th he briefed the County Commission on the status of the 31st Street, Haskell to O'Connell project. The County Commission wanted to explore options to extend the project out to Route 1057 and consider the entire extension of 31st Street from Haskell to Route 1057 in order to ensure improvements in the Haskell to O'Connell segment to mesh with desired improvements east of O'Connell.

Similar to that study underway for Haskell to O'Connell segment, an expanded study including areas east of O'Connell to Route 1057 would determine:

- Projected traffic counts and traffic classifications;
- Design parameters including design speed;
- Recommended typical section;
- Recommended horizontal and vertical (profile) alignment;
- Right-of-Way requirements for the recommended alignment; and,
- Estimated cost of improvements.

The County Commission submitted a request to the City Commission to consider expanding the scope of the 31st Street project. The city's monetary contribution to the cost of the project was \$10,000 and staff could coordinate public participation and the media relations process.

He said the staff was requesting the following:

- Pending Commission discussion, approve response to County Commission, if appropriate; and,
- Pending County Commission concurrence, approve placement of appointments to the Steering Committee on a future agenda.

Mayor Dever called for public comment.

After receiving no public comment, Commissioner Amyx said County Commissioner Jones should pass along to the other County Commissioners that another good way for future planning processes was to get ahead of an area that was developing. He said it was good to have all the neighbors involved in the planning process to gain an adequate roadway system that would benefit everyone in the southeast area.

Vice Mayor Chestnut said it was particularly important because the topography between Haskell and O'Connell had a lot of grade and Wilson & Co., presented a number of options that would terminate that grade significantly. Everyone needed to understand the impact on Route 1057.

Mayor Dever said he appreciated the concept of planning ahead and was glad to help any way he could. He said the Commission was happy to get this project coordinated.

Moved by Amyx, seconded by Hack, to receive the request from the Douglas County Commission to expand the concept phase plan development for the 31st Street project to include the segment east of O'Connell Road to Route 1057 and directed staff to send an appropriate response letter to the County. Motion carried unanimously. (25)

Receive Lawrence Regional Technology Center (LRTC) 2007 Annual Report.

Matthew McClory, LRTC President & CEO, presented the report. He said in thinking of economic development as a three legged stool, the first leg was recruiting quality companies to Lawrence; second, keep the good companies in town; and, third, grow high quality/high growth companies from the ground up in this community. He said LRTC's mission was to help build and grow successful technology companies that could commercialize technology developed by the University of Kansas and local entrepreneurs and business people. They wanted to ultimately see profitable businesses in this community that were creating jobs and high quality job opportunities for the citizens here. They worked with two sets of customers. The first was the University of Kansas and the other was local entrepreneurs and small business people. They worked with the University of Kansas to commercialize its technologies. They worked with the Office of Technology Transfer at the University to evaluate its inventions, research, patent portfolio to try to understand if there was research and technologies there that could be the basis of a company in Lawrence so they could keep the University from having to export the technology out of the state to let someone else create jobs with it elsewhere. They wanted to

create a reason to do that here locally. They would also work with local entrepreneurs and small business people on their ventures. On the University side they could be working with a researcher who had spent 15 years on drug delivery or software programming or could be working with a local entrepreneur who spent the last 5 years in their garage or basement who has developed a new technology project or software that now wanted to go out into the marketplace. They primarily focus on life sciences companies, software companies, information technology businesses, communication companies and advanced manufacturers. They were a little bit different because their focus and role was not to work with the typical retail operation they might find on Massachusetts Street. Their focus was on the high technology businesses because those could grow rapidly and create millions of dollars of revenue in a short amount of time and create jobs in a short amount of time. The other reason they were focused on the technology center was because those were the type of wages and jobs the community wanted; software programming jobs, chemists in the lab, PhD scientists, and jobs that were going to pay \$60,000 - \$80,000 on average. He said one thing he hoped they took away from the presentation tonight was that they viewed LRTC as an economic development partnership that required all the partners to work together to produce economic benefits for the community. The majority of their funding came from the Kansas Technology Enterprise Corporation and without their financial support they would not be able to do what they do. It was critical. The second piece was the University of Kansas. Without access to research and technologies they were developing there, they did not have the basis to build some of these companies. Lastly, where the City and County come in was they provide funding to acquire their current facility. Back in the mid 1990s, the City and County allocated money to the Chamber of Commerce for the purpose of establishing the facility in this community. He said when he started with the organization in mid 2002 he was able to develop a proposal with many in the community to get release of those funds to help them acquire their current facility, which was out in West Lawrence. It was a benefit to what they were doing. They saw the City and County as a partner

in this along with everyone else. Their role on this was providing hands on business development services to these start up companies. They did such a great job of educating students here and should create those exciting, high tech jobs they were looking for and not have to go to the east coast or west coast for those opportunities.

He said there were a lot of numbers containing the results of LRTC and its clients. They were very involved with a number of companies in helping them raise early stage capital. Any start up company was needing access to money and it was very difficult if you had a great idea or a great technology but you did not have the funds to execute the business plan. They helped them raise capital from the federal government, from angel investors who were simply high net worth individuals, and from venture capitalists. There were 10 companies that raised about \$120 million. There were \$118 million in the report which was as of December 31st. They had a couple more million raised since. So when the companies raise the money it was not the same as getting it all in cash, so the money was pledged and came in over time as the companies execute and hit their milestones. The companies have received over \$85 million on those commitments from those investors. The companies were doing a very good job in raising capital in a difficult region to raise capital. There was not a plethora of capital in this part of the country and did not have a venture capital from the State of Kansas and most of the private equity providers in Kansas City focus more on later stage investment opportunities. It was a testimony to the quality these companies were developing and the management teams in building the companies in the local community. He said getting back to one of the main drivers of creating jobs for the community, what they had seen these companies create over the last five years was 111 jobs with an average salary of \$66,000 and it was significantly more than the average private sector wage in Lawrence which was probably in the low 30s. It was nearly double.

He said when most people think of business incubators, they think of real estate. LRTC took a much different approach to business incubation. They took a very hands on approach in

working with these companies. He had served as a chief business officer or chief financial officer for a number of companies. They had the building from the City and County and thought it was a wise investment and enhanced their ability to help their clients. They had access to turnkey office space, conference room and an assistant and receptionist. They could have a company up and going in professional office space virtually overnight. What they really excel in was the business development services side where he and his staff become hands on with these companies providing them support from forming the company to selling the product. They did market research studies to make sure they were focusing on the most lucrative opportunities for their products, competitor research analysis, help write the business plan, help raise capital, have a CPA on board that could do turnkey financial management for them from everything from their budgeting to make sure they were not burning through their money too fast to doing their daily transaction piece to do payroll and invoices. It was everything on the business side that an entrepreneur, an inventor, a faculty member at the University would need to help them be successful. It was a partnership at the end of the day between the technical capabilities that many times the founder or the entrepreneur has and the business expertise.

He said the list of technologies their clients were working with included an ovarian cancer drug going into phase one, a drug to increase the lives of dialysis patients, a medical device that helped premature babies get out of the neonatal intensive care unit faster, and a leading E-commerce company that was responsible for tens of thousands of websites for some of the leading companies in the country. He said the first example he would give was a company called Critech which was a company that was founded on research developed at the University of Kansas and at the core it had a small particle production technology. They were looking in to ways to reduce the particles so that it could be absorbed. They could have a billion dollar drug sitting on the shelf, but did not have a way to get it into the patient's body so that was where they came in; they solved the delivery problem. He said the last piece of the business was their own internal drug development program. They were helping other companies

improving their drugs and there may be a way they could find some problem drugs out there that have come off patent and improve those and make them proprietary to them. There was an ovarian cancer drug this company was developing and going into phase one, human clinical trials. They were doing that in partnership with the Medical Center at KU. One of the big benefits was they were taking a drug which was a current drug to treat cancer, but had to use a delivery drug that was very toxic and had terrible side effects on the patient, and they formulated that drug so they could deliver it with water or saline.

Ted Haggart, Chair of the LRTC Board of Directors, said he was the designated representative from KTECH and also served on that board. He said it was a real pleasure to be here and thanked the City for the commitment and financial support it had shown over a period of many years to technology based economic development. In his opinion in a University based entrepreneurial community, it was an extremely wise investment and an important part of their economic development tools they had and rely on to make the community grow and be more prosperous than ever before. He said the development of the Lawrence/Douglas County Bioscience Authority was something that involved a lot of people working hard to put that in place. LRTC was the business assistance arm on many of the things the Bioscience Authority was attempting to do, so it was an important part to that which they hoped would lead to a combination of funding sources that would focus more intensely on the biosciences. He said it took a lot of things working well in order for a technology center like this to be highly productive and produce these results. They had been extremely fortunate over the last five years to have McClory's leadership. He is a high quality business consultant who covered the whole gamut and had done a great job with the staff. He had a high quality small staff that has helped him and they work very hard to produce these results. They also had a strong Board of Directors and he was speaking for the entire board in thanking the City and also acknowledging the County, KTECH, the University of Kansas and through KTECH the State of Kansas in providing this combined support. It was a joint effort in the things that were happening at LRTC.

Mayor Dever called for public comment.

There was no public comment.

Mayor Dever said it was exciting there were so many great ideas brought forward and he looked forward to more good things coming out of LRTC and was glad to be a partner in the business venture. They could only hope they could continue to support this type of activity at the City, County and regional level because all too much there was a brain drain from the University and from people that grow up here. They needed to try to take them to the next level and make them taxpaying citizens and well paid people and allow people to work and live in Douglas County. He appreciated all the efforts on that.

The City Commissioner received the report.

(26)

Conduct public hearing on a request by Pipeline Productions, Inc. for a waiver of the restriction of the sale and serving of alcoholic liquor within 400 feet of a school or church, pursuant to section 4-113(a) of the Code of the City of Lawrence, KS, related to the Wilco concert on May 14, 2008.

Mayor Dever called a public hearing on the request by Pipeline Productions, Inc. for a waiver of the restriction of the sale and serving of alcoholic liquor within 400 feet of a school or church.

Frank Reeb, Administrative Services Director/City Clerk, presented the staff report. He said as the Commission was aware of, from the approval of the special event permit and the use of right-of-way from the 900 block of New Hampshire last month, Pipeline Productions was requesting the temporary sale of alcoholic beverages for this event. Because of its proximity to the Salvation Army Church, there was a need for the public hearing that was set out in the City Code. As part of that process, they have been required to notify any affected church and they had done that timely last month. They had not received any response to that letter and in addition, they were required to place a notice in the Lawrence Journal-World and they did that as well. In the event the City Commission approved the waiver request, the City Code also required that there be a finding that the proximity of this establishment or temporary event was

not adverse to the public welfare or safety. As part of this agenda item, there was also a draft ordinance on for first reading, and if approved, would allow for the sale of alcoholic beverages which was needed because there was a prohibition of alcoholic beverages along the City right-of-way.

Mayor Dever called for public comment

There was no public comment.

Moved by Hack, seconded by Amyx, to close the public hearing. Motion carried unanimously.

It was moved by Highberger, seconded by Chestnut, to find that the proximity of the Wilco concert temporary event is not adverse to public welfare and/or safety, and place on first reading Ordinance 8264, allowing for the temporary sale, possession, and consumption of alcoholic liquor on specific City property. Motion carried unanimously. (26)

Conduct public hearing establishing the maximum assessments for improvements to George Williams Way, from 6th Street to Overland Drive.

Mayor Dever called a public hearing to establish maximum assessments for improvements to George Williams Way, from 6th Street to Overland Drive.

Chuck Soules, Public Works Director, presented the staff report. He said they received a petition and had a hearing establishing the need for the project. He said earlier that evening, Mark Anderson, the attorney representing all the property owners in the benefit district, told him they were all on board with this ordinance. It did not include the signalization at 6th Street and was only the road. They already had Overland Drive to the north City limits. Plans at this point were complete and would be coming back to the City Commission in a couple of weeks setting a bid date. He said this was a benefit district, 100% paid, and the City was participating \$200,000 in this benefit district which was the same they initiated it with in 2007.

David Corliss, City Manager, said he wanted to speak to the issue of the traffic signalization. The Vice Mayor had inquired about it along with others. They were going to be

meeting with the property owner who was disagreeing with their method of assessment next week. That property owner was the property owner at the southwest corner of 6th and George Williams Way. They were going to look for a means of resolution for that and would provide for a briefing on that. The message was delivered that they had concerns about not so much of building George Williams Way north of 6th Street but the full build out of that area north of 6th Street and what that might do to George Williams Way south of 6th Street and traffic volumes and concerns of it being next to the school. The traffic signal benefit district was the one being challenged. They had some neck down restrictions on George Williams Way to try to calm that traffic and were still working on financing means in order to achieve that.

Soules said they had an invoice from Westar for relocation of power lines. It was all being covered by the benefit district but they asked for the City Commission's approval to allow the City Manager to execute the purchase order if that was appropriate.

Mayor Dever called for public comment.

Rudolph W. Smith, a resident of the area asked in terms of the development itself, what they were entailing. He asked if it was residential strictly or also commercial and so forth in the future.

Corliss said this was all property on the north side of 6th Street. There was the Mercato Development in that area and it had some retail, office and residential properties towards the northern part of that development and the residential was primarily multifamily. Another development was property that had been designated in their planning documents to be office. Directly above that was multifamily residential and duplexes to the east of that. North of Overland Drive, was single family residential. To date, they have not had any building permits pulled on the property. He thought development would come as infrastructure was installed. Commissioner Amyx noted the West Baldwin Creek sewer project which would provide additional sewer capacity for this area as well and something that was also going to be bid in

May. As infrastructure was installed and individuals believed they could sell houses or retail there, they would see that developed.

Moved by Hack, seconded by Chestnut to close the public hearing. Motion carried unanimously.

Moved by Amyx, seconded by Chestnut, to place on first reading Ordinance No. 8263, establishing the maximum assessments for improvements to George Williams Way, from 6th Street to Overland Drive. Motion carried unanimously. (27)

Moved by Amyx, seconded by Hack, to authorize the City Manager to approve/execute a purchase order to Westar Energy for \$78,858.13, for a power line relocation for George Williams Way. Motion carried unanimously. (28)

Receive 2007 Tax Abatement Annual Report.

Vice Mayor Chestnut, said he would recuse himself from this item because his employer Allen Press is currently receiving a tax abatement and submitted information for the 2007 Tax Abatement Annual Report.

Frank Reeb, Administrative Services Director/City Clerk, presented the staff report. He said the minutes that were on the agenda were draft minutes still and the revised version of the draft minutes would be forwarded to the Public Incentive Review Committee at their next meeting for them to approve.

Mayor Dever called for public comment.

Moved by Hack, seconded by Amyx, to receive the report. Motion carried unanimously (4-0 Vice Mayor Chestnut abstained). (29)

Receive staff reports as follow up to the Oread Neighborhood Study Session.

Diane Stoddard, Assistant City Manager, presented the staff report. She said in the background materials for this evening's meeting, there was a cover memo that highlighted and summarized for them a number of those issues that were brought up at that meeting as well as

some of the follow up action and information that staff had brought together regarding the issues that came up at that meeting.

Mayor Dever called for public comment.

Candace Davis, on behalf of the Oread Neighborhood Association, said she wanted to thank the City for pursuing their concerns in the study session and they acquired a lot of information and appreciated that. As far as everything that was covered, it seemed that the neighborhood plan was something they talked about in terms of an overlay district, which was something they needed to work on themselves and revise their plan and contact people in the Planning Department. One of the things they could work on was the trash ordinance which would be amending that part of the trash ordinance they had now and in particular was a concern in the Oread Neighborhood probably more so than the other neighborhoods which had to do with loose trash or trash that was of no value that would be cups, paper and items that were strewn about a yard. It was something that could be worked on and as it stood now it was ineffective. She gave kudos to the Sanitation Department because they did a great job in their neighborhood. They pick up the loose trash in and around their trash trucks, so they generally went above and beyond, especially in their neighborhood. Another thing they were still concerned about was rental registration since it already existed in the single family neighborhoods and they were talking about the multifamily home zoned neighborhoods. She said she would like the City Commission to look at the possibility of a program that would start off there and expand into the entire City. She said they should focus on target neighborhoods that were having more issues with danger, fire hazards and code violations that contribute to the blight in the neighborhood. She said another thing that came out of the study was how many police calls came into the Oread Neighborhood. She was hoping with the Lawrence Police Department and perhaps with KU, something could still be done so maybe there were a few more officers on game nights and game days, but there was a high level of drinking and many

police calls, which indicated a certain amount of potential violence and danger in the neighborhood.

Commissioner Amyx said he agreed that the trash ordinance could be looked at there because they have problems throughout the community and not just in Oread. He appreciated the comments about the neighborhood resource officers they have. He said rental registration was an issue and if it was something they were to take up, he would like to have information from staff or legal counsel about whether his participation could happen in that since he was a landlord in the community.

Corliss said one thing he needed to know on the rental registration issue was they provided information about what they did now and what they thought it would take to expand that program and was a policy decision of the City Commission to do so. Clearly, it would require additional staffing in order to make those inspections. That was a budget item. He said whether the expenditure would be equal to the revenue they would generate from a fee was something they would speculate on. He asked what the City Commission wanted staff to do with this issue. They provided the Commission with the information they had to date and the Oread Neighborhood was saying it was something they would like to see pursued, but it was the City Commission's decision if they wanted to pursue it at any level.

Commissioner Amyx said they would have to come up with \$300,000 or some amount of money to have a start up and then that money would be collected from the various landlords throughout the community as registration happened and inspections were done so that the process could work and for whatever reason a year ago they felt they did not have the funds to support that program at this time. He said no matter what they decide on that issue, his participation in being a property owner and whether or not he could be involved in that decision.

Corliss said they would have to have a legal opinion that spoke to any commissioner's ability to be a rental property owner and whether that would be regulated.

Davis said the \$300,000 may have been the projection of cost without collecting any fees from landlords. She was not certain they could start the program for less than that and build it up over time knowing it was a revenue generating ordinance.

Corliss said he was not certain what the City Commission wanted staff to do. He knew they wanted a legal opinion on City commissioners that have rental property to participate in that discussion, but did not know if there was an interest on having a further discussion on it and what time the City Commission wanted staff to have that.

Commissioner Hack said she thought it was important to have a further discussion. The Oread Neighborhood, as many of the core neighborhoods, if they did not guard them and were careful of them, they had the demolition by neglect issue and a safety issue of residents in that area. She did not think they could say no right now knowing they did it in an incremental step by step and give options on how this could be done street by street and block by block. She said at this point she was not willing to say they could not do it. She would like to pursue it and has been something they talked about almost every Commission she had been a part of.

Commissioner Highberger echoed Commissioner Hack's comments. He would like to see to have at least one option of maybe not starting with the complete program and look at a way to jump start it that would minimize the up front costs. There must be a way for phased alternatives.

Commissioner Chestnut said they talked about revenue generation, but there was no doubt this was going to cost them money. It was going to be a net cost. If they were going to consider this for 2009 budget funding, they would have to get some phased options within the next month to integrate in discussions or choose to defer it again because it needed to go in the hopper for other considerations because it would be an increase to the Planning and Development Services budget.

Corliss said they could get the City Commission some options in the first part of June. If they were thinking about a phased approach, it was hard to do it by geography and may have to

do it by age of structure. He said they would look at it and look at budget items. It would require them to increase a certain number to inspect. If the Vice Mayor was correct that it was going to be a cost to the general fund, now was the time to make the decision to make it revenue neutral to generate enough money to pay for the program and could somewhat work independent of the budget and could amend the budget to allow them to spend extra money and receive fees.

Mayor Dever said he was interested in knowing what their goal was with the rental registration and knew a specific goal of this process and the cost associated with that goal. If it was safety issues if they were going to inspect properties, then great, or if it was to keep tabs on landlords to make sure they were providing safe houses, or if it was to make sure there was the right number of people living in these facilities. He had been through communities and talked to people at the City level who ran these departments and there was a lot they were biting off, especially in this community. He wanted to make sure they were doing this and had a goal in mind and that goal was met when they implement this type of thing. The costs were one thing but wanted to make sure they were not biting off more than they could chew because it was a lot of work and a lot of time. As long as they had a mission in place, there was a goal they could meet. He said right now he read this and did not see the point for the registration and if there was a mission, he wanted to get behind it and make sure there was clear direction from the City and they could achieve it.

Davis said from their neighborhood's standpoint, it was a tool in stabilizing the neighborhood and preventing blight in general, but it was also a safety issue. There were buildings and a lot of rental properties in the core the neighborhoods that were not meeting standards and were not safe. She saw it as a tool to stabilize the neighborhood. There were plenty of landlords but also people who were taking advantage of the community and not keeping up with the properties which hurt the entire neighborhood.

Mayor Dever said he did not want to make staff create a whole government that was trying to address 1% of the problem that 99% of the landlords were good. He wanted to make sure there was a mission to accomplish and they could achieve that mission with the tool put in place. He was 100% in favor of the concept, but wanted to make sure they did it right to address the problems, but did not think they could do that in a week.

Vice Mayor Chestnut said Ms. Davis made a comment to the single family and that clearly was a charter that was different than what they were talking about here because that charter really was occupancy. What they charter this to do versus what they charter the single family to do might have a slightly different mission to it.

Commissioner Hack said occupancy also had to do with preventing owner occupied homes being flipped to rental homes because it was so much more profitable which led to destruction of core neighborhoods. They would just have a larger house that would be split up dormitory style.

Davis said she thought it had been very ineffective and hard to count the number of people. They do go in and inspect the property and make sure it's up to code. She thought it had been very difficult to determine how many people had lived in these places.

Commissioner Hack said there were also several safety issues. Going in every once in a while and having a City employee come in with you to make sure the tenants were doing safe things was helpful to everyone.

Commissioner Amyx said they were going to have to write the new code to come up with a way to say exactly what they wanted to say.

Corliss said they could have a report in the first part of June that would talk about scope, revenues and expenditures. It could not assume their goals, but they could articulate some background as to why they had the current ordinance and what they understood its goals to be and what other community's goals have been for similar ordinances. Their check list for the current ordinance was basic life safety. They had done over 2,000 life safety violations because

it was in the lawsuit in defending that ordinance. It had been their concentration and the comments about the occupancy limits, this room heard a lot of discussion about that issue and enforced the ordinance the best they could, but it was a challenging ordinance to enforce.

Commissioner Highberger asked Diane Stoddard to comment on the Wichita ordinance referenced in the staff memo regarding the neglected building ordinance.

Scott McCullough, Director of Planning and Development Services, said Brian Jimenez was in a conference in Wichita and had the most information about it. They had different ways to go about demolition by neglect and one of the ways the memo pointed out was that Lawrence was probably less aggressive than some cities and on par with other cities with how they took care of blighted structures. He was not sure Stoddard or he could speak very much on the Wichita model, but it was one that was highlighted they should pursue.

Commissioner Highberger said he would like them to study that ordinance. He said he wanted to comment on the University Community Partnership and thought there were good examples in the memo on what universities were doing to work with their students to make them good neighbors. They started some conversations, but would like to have that and thought KU could step up to the plate and do a better job of that.

Corliss said that was a good suggestion. Stoddard provided some information about the City of Manhattan and K-State relationship which they thought was interesting. They did a lot with the student leadership at K-state and get well plugged into being able to communicate with students that way. One issue was what the next implementation steps they had to tackle were.

Moved by Hack, seconded by Highberger, to direct staff to come back in early June with a report on rental registration including information on an expanded scope, anticipated costs of the expanded scope, and policy rationale. Motion carried unanimously. (30)

Consider initiating a text amendment to the City's development code classifying transient and homeless shelters as permitted uses by right in industrial zoning districts, or consider initiating a text amendment to the City's development code classifying transient and homeless shelters as special uses in industrial zoning districts.

Scott McCullough, Director of Planning and Development Services, said currently this category of land use was special use permit only in several zoning districts. The RSO, RMO, several commercial zoned districts, the general public industrial district and the hospital district. The applicant requested by right land use category in all industrial districts and highlights the IG and IL district. They were happy to shepherd this through the planning commission and public discussion.

Mayor Dever called for public comment.

Price Banks, on behalf of the Lawrence Community Shelter, said the Shelter Board wanted to look at the long term. He said this City Commission was aware of the issues that had been presented with the existing location and with the renewal of the special use permit in the existing location. First, the City zoning ordinance development code had some confusing language in it regarding shelters; the homeless or transient shelters that were permitted as special uses within only the RSO or RMO districts. Then, there were transient shelters that were special uses in a number of commercial districts. The Lawrence Community Shelter was seeking a new location; either an existing building that could be modified to suit their needs, or bare land where they could construct a facility. They were undergoing a fundraising process to do that. There had been particular focus on one site or another, it was important to note the board had actually looked at several sites. They had not selected a site at this time, but when they first started looking one of the things they found was there was not much out there. There were not many places at all that provided the kind of space for the facilities they needed, the kind of access to the kind of amenities they need, and some degree of isolation or buffering from neighborhoods. When the board came to him and talked to him about that, they decided one of the problems was limitations of the zoning ordinance. There are in fact industrial districts which would provide the buffering and isolation that was needed for a facility such as this and it would also in an industrial district permit the shelter to plan to do things such as a sheltered workshop similar to Cottonwood in the future and force some limited employment opportunities.

Because of long range plan and long term view, if you were going to build a building or invest in land or a building to be modified, it was important to have some long term certainty. If they were sitting with a special use permit, which was reviewed on an annual basis, then they were on unsteady ground and did not know from one year to the next where your investment would take you. Their recommendation was that they permit it as a permitted use in the industrial districts to give more certainty and to have the board do a longer range plan and to think long term. That was why they were requesting they initiate a text amendment that would permit the homeless shelters as a permitted use in certain industrial districts.

Commissioner Amyx asked Banks if he knew how many areas in town were zoned IG or IL designation.

Banks said he could not. There were some in the southeast part of town and some in North Lawrence. There were also some directly in the southern part of town. Wherever they find small industries and job shops, they were going to find that kind of zoning.

Commissioner Highberger asked whether the applicant's request included IBP zoning.

Banks said the letter specifically requested IG and IL.

Commissioner Highberger said so the request would not include IBP zoning.

Banks said correct but they would be open to any type of zoning.

Janet Good, Lawrence, said zoning was a key issue in the old neighborhoods because they have a lot of different zonings that abut each other and sometimes they do not reflect they were overwhelmingly single family neighborhoods. When they started mucking around in zonings that ribboned through their neighborhoods and pockets their neighborhood, they would really have to pay attention. She was disheartened when a City Commissioner recently said that typically industrial areas not sitting next to a residential area, particularly when the commissioner worked in one of those areas that were across the street from residential. She felt there was potential for these issues to be glossed over. They do have residents across the street from industrial zoning and those residents have a downside to deal with including traffic,

trucks, etc. The upside to being a neighbor of industrial areas was that the area was quiet in the evenings. They walk down some neighborhoods on the weekends and evenings and it was very peaceful. She thought they could see how that would change if a shelter was permitted across the street from a residential neighborhood and industrial zoning. She believed that a shelter should be a special use permit wherever it was planned because those issues that the neighborhood around it now were dealing with, did not go away because it was moved. It might be off the radar screen of the public but did not go away and might add other concerns. She thought public input had to be built in this process. She understood that a yearly special permit seemed like a lot on their heads, but they recently experienced a horrible problem with a bad house in their neighborhood. There were 36 police calls in two years to this property. It never rose to a problem house, via the ordinance. The only way they solved this problem was someone bought it and tore it down. She hoped they could understand that a lot of residents felt like if public input was not a part of this process, then when would their concerns get heard.

Ralph Metcalf, a resident of an area adjacent to one of the proposed sites, said his biggest concern was the zoning was at a very, very fine grained level. Industrial was not just a part of the city. He lived at a property that joined half a city block that was industrial. If one was to have their back at it and look around, you would never know it was there. His concern was that they take that into account because if they made the blanket designation, they could have a quarter of a block, which was grandfathered in because in the 1950s and 1960s, it had been a commercial endeavor. His concern was to not blanket it in so the neighborhood had a chance to look at it.

Julie Mitchell, a Brook Creek area resident said she shared some of the concerns of the previous speakers. She said Brook Creek and East Lawrence were very fragile neighborhoods and that changing the zoning would allow basically a very controversial place to move into a neighborhood. They were looking at industrial areas that were not like the industrial park at North Iowa. They were talking about a couple of buildings in a residential neighborhood. For

one, her park already had problems with homeless people. They had a park clean up and there were people living in the woods because you find their stuff. It was in Brook Creek Park and knew that the shelter was not specifically saying they were moving to a certain site, but 13th and Oregon was the site that kept being mentioned and this ordinance would let them move into that site without the neighbors being able to have any public comment. She knew the shelter served a need in Lawrence and knew they were under incredible pressure from the City and downtown merchants to get out of downtown but did not think moving to 13th and Oregon was going to solve that because they knew there were homeless people in Hobbs Park and homeless people who had been living in other parts in East Lawrence. Moving them to 13th and Oregon, they could still get to downtown but would increase the amount of homeless that were staying in the parks.

Rich Minder, a resident of an area adjacent to one of the proposed sites, said they talked about longer term vision and hoped that longer term they as a City could think about those who find themselves homeless often and all the time, their plan was to rise above a situation where they were placing them all together in a residential neighborhood and traversing residential neighborhoods to get downtown. They needed to be looking to longer term to vision than persistently having a situation they were not really solving problems. He said with regard to this particular site at 13th and Oregon, he had several conversations with Loring Henderson about this and to date he indicated that this was the only site they had under consideration. A blanket rezoning or text amendment that would allow this as a permitted use in all industrial sites would make that site in his mind the site where it was going to be located. His position was whatever action the City Commission took, that it not result in the community shelter being located in his neighborhood. He said if they could anticipate the chain of events that would result from their decision; he said he did not want it to result in the community shelter being in his neighborhood.

Phil Collinson, a resident within one block of an industrial zoned area, and the President of the East Lawrence Neighborhood Association, said his association has not yet taken a

position on this issue but he did see a lot of his neighbors at this meeting who had concerns on this issue. He believed that public input was vitally important to help determine the siting of the shelter allowed by the proposed text amendments. He was a proponent of the community shelter and the fine work they do. They provide a valuable and important service to the citizens of Lawrence. It was for this reason he believed it was the planning issue for the City to help site this issue. He hoped they would allow public input to be part of the site of the Lawrence Community Shelter and thought that was what requiring a special use permit would do.

Ann Wilsey, a resident of an area adjacent to one of the proposed sites, said she only learned about this issue yesterday and did not have a lot of information. She was able to get 7 signatures of other neighbors that were unaware of what was going on but wanted to maintain their right to voice their opinions on the issue. She said the special use permit would allow citizen response and that was what she was in favor of protecting. She said she saw a lot of beautiful things happening in East Lawrence and the community and wanted to protect their ability to thrive as a neighborhood.

Loring Henderson, Director of the Lawrence Community Shelter, said he did not have a great deal to say, but wanted to speak in support of the presentation that Price Banks made for them. He said he was a staff member, but in the eyes of the board and the staff, they were looking aggressively at multiple sites since the last time he spoke with Rich Minder. They have identified other sites of interest, and have not excluded or not pursued the building that was most talked about at 13th and Oregon but they were branching out from that and the request for amendment to the zoning code allowed them to have a broader range of things to look at. If an amendment was not approved, it would limit them to residential areas. They were starting the process tonight. He thanked the City Commission for being able to move forward and have public hearings. He was in communication with neighborhoods and neighborhood associations and in the last few days had contacted the Lawrence Association of Neighborhoods, the East Lawrence Association, and Brook Creek. He said a permitted use of some sort was important

for them because it was going to be very hard to raise money to help them renovate the building but the money might only be useful for a short period of time. It would complicate their situation a great deal.

Wilsey asked if the text amendment could be specified that an industrial zone that was a given distance apart from residential zoning be different than writing a text amendment that stated industrial zoning would be allowed.

McCullough said the code did have standards that applied to some uses they could add and develop standards that applied in this case.

Michael Almon, a resident of the Brook Creek area, said the City Commission had a letter from their neighborhood association. He said there were any number of circumstantial items that were surrounding this whole issue that primarily were going to be land use concerns, location concerns, types of activity concerns, what adjacent zones and uses were taking place. Those kinds of issues were not what was being discussed tonight. Land use concerns were the kinds of things that took place during a zoning hearing or use permit hearing. What the real issue for their neighborhood and any citizen of this City was was if this kind of text amendment was passed that granted a blanket use right for all industrial zones and a permitted use right exclusive without any permit or use process, then in effect all those land use questions were irrelevant and basically this was a use entitlement. This particular use would gain an entitlement without review or citizen review process. He said that was inappropriate. Granted that any shelter that may be trying to raise funds may have their situation complicated a bit if there was a review process, he was sure that would complicate it, but for the citizens of his neighborhood or anywhere in the City to forgo their right for a review process of the land use questions for the sake of the ease of their fundraising, he was not willing to give up that right. He hoped they could do their fundraising the best they could, but not at the expense of his right to protest or review or to have input into the location of where they were located. He said the letter they submitted pointed out that two weeks ago the City Commission received a very

similar request from Free State Development to allow extended care facility in one industrial zone, not use by right but requested to be done by a special use permit. That was the way this should be done if it was done at all. Personally, he did not feel it was appropriate for them to backpedal their current development code which previously did not allow homeless shelters in industrial zones for good reasons but in 2002 there was an amendment that slipped homeless shelters into industrial zones and in 2007 the new code removed that again. He asked if they were going to reverse that a third time and was a mistake to do that as well. If they saw it as appropriate to allow homeless shelters to be in industrial zones, it absolutely must be by a special use permit or the whole zoning code was a play on futilities. They were concerned that the public would have a say in the process.

Commissioner Amyx asked whether the property from a couple of years ago where the proposed Salvation Army was proposed was zoned industrial.

Corliss said it was zoned under the old code but thought it was industrial zoned.

Almon said that particular four acres at Haskell and Lynn Avenue, half of it was zoned M-1 and half zoned M-1A. A special use permit had been required until 2002 when a whole bunch of uses were lumped into one thing saying that they had an exemption. There was a request for an athletic facility to make the change, but all the uses were included so it was lumped into that text amendment and the special use was removed. He said in 2007 as a result of the Burroughs Creek Corridor Plan, that property was rezoned with the agreement of the Salvation Army to RMO, which also allowed a homeless shelter.

Commissioner Amyx said the question came in was whether or not they would ask the staff and Planning Commission to consider a text amendment change and whether or not it was going to be by right or by single special use permit. He personally believed there was a question in his mind about the compatibility of that kind of use and in an industrial zone. He thought it was important that a consideration of the language that was provided by staff whether

or not this use could be allowed and the industrial zone could go through a special use permit process.

Vice Mayor Chestnut asked right now what zones specifically allow transient or homeless shelters, where there was not a permitted use but a permitted use under a special use permit.

McCullough said those were the RSO district and RMO district which were the residential office and single family or multifamily. Several commercial districts, CO, CD, CC, CR, CS, the GPI district and hospital district were other uses that permitted it with a special use permit.

Banks said there was still the issue of the language. The homeless and transient shelters were only permitted in residential districts.

Commissioner Amyx said maybe that was a matter the Planning Commission could identify and clean up. Without a special use permit, someone would come in and bring a site plan if it was guaranteed, meet the site plan, requirement, then it would all be done administratively.

McCullough said it was all done administratively and there was notice to site plans. They could send written comments typically if they meet the standards of that zoning district and they could approve it. There was an appeal process and it was mainly administrative.

Commissioner Highberger said in the abstract the industrial zoned area seems to make sense for this type of use. However, in the northeast and south part of the town they had industrial zones that were next to residential all over the City. He thought it was a use that would require public input and would be the only way they could have control over it. He understood the shelter's concerns for stability and they needed to be willing to grant a special use of a long enough duration that would meet those needs and would have to have a difficult conversation about the location. He would recommend they initiate changing the zoning to allow transient and homeless shelters in all industrial categories, including IBP, by special use.

Commissioner Hack said she agreed with Commissioner Highberger and thought this would be a difficult conversation. She believed that a homeless shelter was a special use. She appreciated Henderson's work, but thought they had to look at the bigger picture as well and in that context they needed to look at a special use permit. Looking at the language and cleaning up the language or whatever the Planning Commission could do would help.

Vice Mayor Chestnut said he concurred with the other commissioners. He said the important part of this was it was a special use and did not matter what the zoning was; it was going to require a lot of negotiation with the neighbors and commercial properties. He said a comment earlier about pressure from the City and downtown merchants was not the case. They looked at this SUP renewal last year and they all collectively, including the shelter at that 944 Kentucky location did not have the facility, accommodation, size, or characteristics in trying to do what they were doing in their scope. It was nothing about forcing them out, but finding the appropriate locations and the outcome was the service they were trying to deliver. He did not know where they did this separately, but it would be appropriate to talk about within the uses to suggest some guidelines relative to set offs, what kind of clearance they needed, setbacks and so on to help provide some guideline when they were looking at particular sites. If they started getting public input now about what those setbacks were to be, it would help in site selection and eliminate some that were not there. This issue would come up and would be another set of neighbors and the better guidelines they could have in providing Henderson and the board would help in the process of elimination and expedite the process.

Mayor Dever said he thought this was interesting timing since they just had their study session regarding the homeless and trying to address the problem and approach it holistically, and not going blindly down the track to put people in their place. There were people working very hard in this community trying to solve the problem and they, as a City Commission, by giving the shelter an insight to some time frame, they appreciated that goal and appreciated them coming back to the City Commission in trying to find a place they knew they would thrive.

He understood the need for identifying real estate and trying to buy a piece of land and knowing whether or not it was an acceptable use. That was the hard part of this problem and also understood the neighbor's concern about the impact. They, as a Commission needed to maintain some control over the appropriateness of the location of this type of activity mainly because of their history and experience in having one in the community for so long and realizing it could have negative impacts on the community. He was interested in maintaining some control and not doing a blanket change or text amendment.

Moved by Chestnut, seconded by Hack, to initiate a text amendment to the City's development code classifying transient and homeless shelters as special uses in all industrial zoning districts. Motion carried unanimously. (31)

Consider approval of the proposed 2008 Overlay and Curb Repair Program, Phase 1 (downtown maintenance) and set bid date of May 13, 2008 for Project No. PW0808 (City Bid No. B08043).

Chuck Soules, Public Works Director, presented the staff report. He said they met April 8th with the members and took one of their contractors and basically discussed how they could get this done to impact downtown the least and still be efficient and economical. There were a lot of ideas and talked about the pros and cons of working at night, working on Saturdays and Sundays, extending hours, and what they came up with was a plan on Massachusetts Street. They could do the mill process all the time. Occasionally, someone backing out of a spot or need to get some where, they would have to wait until it clears if there was a truck there. They would have a little bit of time to do base repairs, which would be intermittent. He said the harder part would be to overlay. They talked to the business owners to close off a couple of blocks at a time to get it done in a day or two and would be out of those two blocks. They could get the asphalt down in that amount of time and if they had a good day and good work, they could get a couple of blocks in one day. There would be some picking up because they have some brick crosswalks. Working at night, they would not get a good product because they would not get enough light and did not want to do that downtown. They would not close 7th Street or Kentucky

Street when working on Massachusetts Street because they would want access. When they did Kentucky Street, they would have some closures and would try to maintain access to businesses. 9th and Massachusetts Street would be open all the time. They would continually update the people downtown and would put it on the website and make sure people would know in advance. They would continually have that conversation with people downtown. They wanted to get this done before the sidewalk sale on July 17th. They would like to get a bid soon because they wanted to get things scheduled. They did not expect it to last that long but needed to get the contractor to get this done.

Mayor Dever called for public comment.

There was no public comment.

Moved by Amyx, seconded by Chestnut, to approve the proposed 2008 Overlay and Curb Repair Program, Phase I, and set a bid date of May 13, 2008. Motion carried unanimously. **(32)**

PUBLIC COMMENT:

Friday Maydoff, University of Kansas student, said they wanted to talk about ridership and public transportation as the T. Being students, they took some surveys and realized that students did not comprise much of the ridership of the T in Lawrence. She said there were three main reasons why they were concerning themselves with that. The first was for sustainability and the climate protection task force. It was a benefit to the City to increase ridership in Lawrence and at large. They also wanted to see an increased level of use in the community. By increasing ridership and public transportation, KU students would have a greater chance to connect with the Lawrence community. By the methods they hoped to increase that ridership, they hoped to further bridge the two communities and put KU students in the participatory democracy they have in the City. The more students that were engaged in the level of participation, the more they would come to know the Lawrence community and the Lawrence community could get to know the KU student body better. Finally, affordability as gas prices

increase, it was in their interest to ride the buses more and the more people that ride the bus, the more revenue that would come into the City and could increase the bus rotations and increase ridership more.

Corey Sims, University of Kansas student, said their suggestions stemmed from the research they did and their two main findings were that there were a couple of reasons why students were not riding the bus that often. The first would be a general lack of awareness. When they first starting researching, he did not realize Lawrence had a public bus and that might be the case for a number of students. The second was that there was general apprehensive and stigma about the first time you ride the bus. People did not know where to get on, how much it cost, the routes or anything. Overall, those were the two issues they wanted to try to address. Their first suggestion was that someone from City staff contact the Journalism School and have the campaigns class, which was the capstone course for journalism students, do research and come up with ways to improve the service. He doubted a lot were put into play since there were not many students who rode the bus. He said as a journalism student, he was in a class right now where they just did a campaign for the American Red Cross and were eager to get their advice and would put their suggestions into work in the next few years. There was a lot the KU students could offer. Their second suggestion and the one they came up with after talking to Cliff Galante, was to come up with an educational or informational ad. Rather than just being a couple minute long instructional video of someone getting on the bus, they would like to make it appeal to students. They thought if it was a series of advertisements that was informational and entertaining. The channel they used to get these advertising across was important. It was not going to work if they just put it on the T website but rather if it was advertised on local television or other media that students like such as YouTube or Facebook. Students would be more likely to view these videos. A couple other suggestions were increasing the availability of route maps and schedules. The second suggestion was a travel training program. It was something that Galante had tried to put into the past but did not work out well because there was not much

interest in it. He thought if students knew there was a travel training seminar somewhere and interested in riding the bus, they would attend something like that.

Commissioner Hack asked if they had talked to Galante a lot.

Sims said he had a conversation with him on the phone. A lot of the suggestions were already being worked on, but he thought the video idea was a good one.

Commissioner Hack said she thought any way to promote the bus system would not hurt. They were at a critical point where they would have an option to ride as opposed to those who ride because of lack of transportation. She commended them for their work and perhaps give direction to Galante to pursue some of the options.

Rory Smith, University of Kansas student, said he wanted to speak on another topic. He said the 45-55% liquor license that pertains to the downtown area, one of their main concerns was at this time when they have the Power and Light District opening up in Kansas City, the Legends, and Zona Rosa, had him look at the downtown area and why there had not been a new bar opening recently. He said Quinton's had been there ever since he moved there, the Bourgeois Pig had also been open. The bars and most the restaurants on Mass St. were at a stand still. Upon researching the 45-55% rule, he applied the theory of competitive market to it. In free market when they have businesses competing against each other, but without that on Mass Street there was no competition between the bars and no incentive for the bars to change. The ordinance took away from the competitive market and turned it into a mini monopoly of a few bars. He asked if there was something they could do to change the CD zone to include the buildings on Mass Street or lowering 45-55% to where only 20% had to be food and there would still be the buffer zone. He said he was coming to the City Commission to relook at the ordinance to better look at the downtown area and to keep people like him who want to drink more expensive drinks. There was a market for these kinds of things but they did not move into downtown area and would lose its luster. There were no incentives for other bars to carry these nice beers, wines and liquors because they controlled the market and did not have to out stage.

There was no way under this that one could sell a \$200 bottle of Merlot to make up for it in food sales.

Commissioner Amyx asked if he wanted to change the downtown area into primarily a night spot.

Smith said not primarily. He did the research and read newspaper articles and the City Commission minutes surrounding the time of the 45-55% where they were worried about that.

Commissioner Amyx said they needed to look back at the mid 1980s where they were trying to preserve downtown as not only a social space, but the regional shopping area for Lawrence and Douglas County. It was going to be retail and entertainment mix and obviously a government investment in downtown. There was a lot more that went into it than the nightlife and what they had read in the last couple of years.

Smith said he was referring more to the time period of 1994 when it was passed and there was concern that downtown would turn into another Aggieville like Manhattan. One thing they mentioned before was making the commercial downtown district smaller and maybe giving buildings that were on the Vermont and New Hampshire side a chance to open up and have something more.

Commissioner Hack said she understood his concerns. She said part of it was the demographics of Lawrence versus the demographics of the Power and Light district or the Legends. They knew they competed with the Legends with shopping and dining, but she agreed with Commissioner Amyx. The original intent was to hang onto that mix of the locally owned businesses as well as some of the bars and restaurants and not make it to where it was so easy to open simply bars. They knew they were profitable, but that was not the way they wanted to enhance the downtown. It was always worth looking at and making sure it was accomplishing what they wanted it to, but under that current situation they would not have a wine bar. She knew there were bars that served wine and the Eldridge had that capacity and was something that they could use, but it was the original intent that long ago to make sure they enhanced the

downtown and make sure they had that nice mix. She appreciated coming and bringing it to their attention.

Smith said what he noticed was in this mini monopoly by grandfathering some businesses in, that a lot of the businesses were not top quality and he could easily go somewhere like the Legends and have better quality. He understood the dual situation of how they make the businesses better without sacrificing other aspects.

Mayor Dever said he appreciated their feed back. There was a lot of history behind this and was not sure how to forward this, but if the City Manager could bring that back up they could review it.

Corliss said Reeb was working on a report in regards to sidewalk dining and they would have that issue back and it was somewhat related to the food sales requirement. They would have that issue before them in the near future.

FUTURE AGENDA ITEMS:

- | | |
|----------|--|
| 05/06/08 | <ul style="list-style-type: none">• Receive Lawrence Community Shelter Annual Report, as required by SUP-01-02-07
• Consider request for Landmark Designation, L-08-01-07, and hold public hearing for consideration of placing the structure located at 805 Ohio Street on the Lawrence Register of Historic Places.

<div style="margin-left: 40px;"><u>ACTION:</u> Conduct public hearing and direct staff to draft an ordinance for landmark designation for 805 Ohio Street, if appropriate.</div>
• Consider request for Landmark Designation, L-09-02-07, and hold public hearing for consideration of placing the structure located at 934 W 21st Street on the Lawrence Register of Historic Places.

<div style="margin-left: 40px;"><u>ACTION:</u> Conduct public hearing and direct staff to draft an ordinance for landmark designation for 934 W. 21st Street, if appropriate.</div> |
| TBD | <ul style="list-style-type: none">• Consider request from Lawrence Arts Commission regarding modifications to Resolution No. 5966 and Resolution No. 5015.
• Receive follow-up staff report on sales tax options |

- Consideration and discussion of proposed Neighborhood Revitalization Act plans. The Lawrence Association of Neighborhoods has indicated an interest in establishing a task force to review applications of the NRA.
- Discussion of City/County funding relationships

Airport business park land use and public financing issues. ***Because valid protest petitions have been received, a super-majority vote (4 votes) would be needed regarding the rezoning items.***

- Consider approval of the requested annexation of approximately 144.959 acres and direct staff to draft an ordinance for A-06-05-07, for Airport Business Park No. 1, located at E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16A; approved 5-2 on 10/24/07)
- Consider approval of the requested rezoning and direct staff to draft an ordinance for Z-06-09-07, a request to rezone a tract of land approximately 99.31 acres, from A (Agricultural) and B-2 (General Business) Districts to IL (Limited Industrial) District with use restrictions. The property is located at the intersection of E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16B; approved 6-1 on 10/24/07)
- Consider approval of the requested rezoning and direct staff to draft an ordinance for Z-06-10-07, a request to rezone a tract of land approximately 43.48 acres, from A (Agricultural) and B-2 (General Business) Districts to IL (Limited Industrial) District. The property is located at the intersection of E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16C; approved 6-1 on 10/24/07).
- Consider approval of the requested rezoning and direct staff to draft an ordinance for Z-06-11-07, a request to rezone a tract of land approximately 26.22 acres, from A (Agricultural) & B-2 (General Business) Districts to IL-FP (Limited Industrial-Floodplain Overlay) District. The property is located at the intersection of E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16D; approved 6-1 on 10/24/07).
- Consider accepting dedication of easements and rights-of-way for PP-06-07-07, a Preliminary Plat for Airport Business Park No. 1, located at E 1500 Road & US Hwy 24/40. The Planning Commission will also consider a number of waivers from the Development Code with this request. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners

of record. (PC Item 16E; approved 6-1 on 10/24/07).

- Sidewalk dining regulations and guidelines.
- Rural Water District contracts.
- Economic Development study session follow-up items.
- Consideration of ordinances to change the composition of the Convention and Visitor's Bureau Advisory Board.
- Consider adoption of Tax Increment Financing and Transportation Development District policies.

ACTION: Adopt policies, if appropriate.

- Receive staff memo regarding green burials.
- Consider approving the recommendation from the Traffic Safety Commission to establish a marked crosswalk together with pedestrian refuge islands on Louisiana Street adjacent to Dakota Street. (TSC approved 7-0)

ACTION: Establish a marked crosswalk together with pedestrian refuge islands on Louisiana Street adjacent to Dakota Street, if appropriate.

- Consider approving the recommendation from the Traffic Safety Commission to deny the request to establish stop signs at the four traffic booth entrances on the Kansas University Campus. (TSC approved 4-3)

ACTION: Deny request to establish stop signs at the four traffic booth entrances on the University of Kansas campus, if appropriate.

- Consider approving the recommendation from the Traffic Safety Commission to establish a mid-block marked crosswalk on Naismith Drive between 18th Street and 19th Street. (TSC approved 5-2)

ACTION: Approve request to establish a mid-block marked crosswalk on Naismith Drive between 18th Street and 19th Street, if appropriate.

- Consider candidate projects for the Federal-Aid Safety Program for fiscal years 2010 and 2011 and provide staff direction on which projects to submit.

COMMISSION ITEMS:

Moved by Highberger, seconded by Hack, to adjourn at 9:30 p.m. Motion carried unanimously.

APPROVED:

Sue Hack, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF APRIL 29, 2008

1. Bid – Tire Shop for Public Works, to Penney Construction for \$137,900.
2. Bid – Road Salt – Central Salt for \$37.78 a ton.
3. Bid – Blight mowing basic mowing to Richard Nichols for \$40 hr and brush hog mowing to La-Bar for \$45 hr.
4. Sale – surplus equipment on Gov Deals.
5. Bid – Cured-in-Place-Pipe Projects to I-Con for \$312,708.
6. Bid – Tactical Vests to OMB Express Police Supply for \$20,507.75.
7. Ordinance No. 8262 – 1st Read, Alcohol sales, Sertoma BBQ.
8. Ordinance No. 8246 – 1st Read, Chapter 5, plumbing vent system & unvented gas appliances.
9. Ordinance No. 8250 - 2nd read, for Day Care Center at First Step Facility, 3015 W 31st St & Special Use Permit (SUP-01-01-08).
10. Ordinance No. 8256 - 2nd read, for Ballard Community Services Early Learning Center at 345 Florida & Special Use Permit (SUP-01-02-08)
11. Ordinance No. 8260, 2nd read, rezone 9.03 acres from RS-7 to GPI, located at 2145 and 2201 Louisiana & rezone request (Z-01-03-08)
12. Ordinance No. 8261, 2nd read, rezone 4.09 acres from RS-7 to GPI at 1430 Haskell & rezone request (Z-01-04-08)
13. Resolution No. 6766 – West Baldwin Creek Sanitary Sewer Project - GOB for \$4,905,000.
14. Resolution No. 6767 – Appoint Mike Dever, Board of Directors, Lawrence-Douglas County Biosciences Authority.
15. Ordinance No. 8251 – 1st Read, Rezone (Z-01-01-08) .907 acre, CS to IG, 1300 Blk N 3rd.
16. Ordinance No. 8252 – 1st Read, Rezone (Z-01-02-08) .54 acre, RS10 to IG, 1300 Blk N 3rd.
17. TSC – deny request for stop sign, E bound Cambridge at High Dr.
18. TSC – deny marked crosswalk, speed humps, 5th & Tenn.
19. Variance – Landplan, 19-214b, 1500 E 24th.
20. Variance – Peridian, 19-214b, 500 Rockledge.

21. Mortgage Release – Robert & Verla Lewis, 1201 W 22nd Terr.
22. Agreement – Free State Studios, 7th & New Hamp, street lights & parking meters.
23. Cooperative Agreement – AT&T
24. City Manager's Report
25. Lawrence Regional Technology 2007 Annual Report.
26. Ordinance No. 8264 – 1st Read, Temp Sale of Alcohol, Sertoma
27. Ordinance No. 8263 – 1st Read, Max Assess GWW form 6th to Overland.
28. Purchase Order – Power Line relocate for GWW to Westar for \$78,858.13.
29. 2007 Tax Abatement Annual Report.
30. Oread Neighborhood Study Session.
31. Text Amendment – Transient & Homeless Shelters permitted in industrial zoning.
32. 2008 Overlay & Curb Repair, bid date May 13th.
33. Concept Phase Plan for 31st to include E of O'Connell to Route 1057.
34. Future agenda items.