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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON E. CROMWELL
LANCE M. JOHNSON
MICHAEL DEVER

May 5, 2009

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Chestnut presiding and members Amyx, Cromwell, Dever, and Johnson present.

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval, Mayor Chestnut proclaimed May 10 – 16 as Police Week and Friday, May 15 as Peace Officers' Memorial Day; and, proclaimed the month of May as National Preservation Month.

A request was made by a citizen to defer for one week, the Traffic Safety Commission's recommendation to establish "no parking" along one side of 10th Place between Kasold Drive and Randall Road, along one side of Randall Road between 10th Place and 10th Terrace and along one side of 10th Terrace between Randall Road and Randall Road; the appropriate side to be determined after consultation with the Fire Department; and adopt of first reading, Ordinance No. 8398, prohibiting parking along the south side of 10th Place between Kasold Drive and Randall Road, along the east side of Randall Road between 10th Place and 10th Terrace, and along the north side of 10th Terrace between Randall Road and Randall Road, in order to speak on the issue.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to approve the City Commission meeting minutes of April 21, 2009. Motion carried unanimously.



As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to receive the Sister Cities Advisory Board meeting minutes of March 11, 2009; the Lawrence Cultural Arts Commission meeting minutes of March 11, 2009; the Hospital Board meeting minutes of March 26, 2009; and the Traffic Safety Commission meeting minutes of April 6, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to approve claims to 1,020 vendors in the amount of \$1,460,757.38. Motion carried unanimously.

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to approve the Drinking Establishment Licenses for Set'em Up Jack's, 1800 East 23rd; Lawrence Arts Center, 940 New Hampshire; Genovese, 941 Massachusetts; and a Street Vendor License for Green Violin, to be located at the southwest corner of 8th and Massachusetts. Motion carried unanimously.

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to waive the formal bidding process and approve the purchase of one jet truck for the Utilities Department from Key Equipment Company for \$186,575 less \$30,000 trade, total purchase of \$156,575. Motion carried unanimously. (1)

The City Commission reviewed the bids for roll-off trash containers for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
Roy Conley & Company	\$18,006
American Equipment	\$19,633
Burnip Equipment	\$30,400

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to award the bid to Roy Conley & Company, in the amount of \$18,006. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to approve Change Orders No. 1 and 2 to King's Construction in the amount of \$18,500 for additional work added to the George Williams Way projects: Project No. 14-CP4-407(BD) 6th Street to Overland Drive, and Project No. 15-CP5-407(BD) Overland Drive to North City Limits, Street, Storm Sewer, and Waterline Improvements. Motion carried unanimously. **(3)**

The City Commission reviewed the bids for Comprehensive Housing Rehabilitation for the Development Services Department.

408 Yorkshire Drive. The bids were:

BIDDER	BID AMOUNT
T & J Holdings	\$19,475.00
Comet Corp	\$22,350.00
Schmidt Contracting, Inc.	\$23,400.00
Staff's Estimate	\$18,506.64

1909 Kasold Drive. The bids were:

BIDDER	BASE BID	ALTERNATE 1	ALTERNAT 2
Schmidt Contracting, Inc.	\$21,800	\$1,750	\$400
Comet Corp.	\$23,340	\$1,745	\$500
T&J Holdings Inc.	\$24,740	\$875	\$325
Staff's Estimate	\$22,788	\$1,200	\$390

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to award the bid for 408 Yorkshire Drive to T&J Holdings, Inc., in the amount of \$19,475; and, 1909 Kasold Drive to Schmidt Contracting, Inc., in the amount of \$23,950. Motion carried unanimously. **(4)**

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to set a bid date of May 19, 2009 for the Kaw Water Treatment Plant east perimeter fence line replacement project, Bid No. B0917. Motion carried unanimously. **(5)**

Ordinance No. 8390, allowing the possession and consumption of alcoholic beverages at Burcham Park on May 23, 2009 related to the Patten-Hill family wedding rehearsal dinner, was read a second time. Aye: Amyx, Chestnut, Cromwell, Dever, and Johnson. Nay: None. Motion carried unanimously. (6)

Ordinance No. 8392, authorizing the sale, possession and consumption of alcoholic beverages at Broken Arrow Park on May 8-9, 2009 for the Lawrence Sertoma BBQ Cook-off fundraiser. Aye: Amyx, Chestnut, Cromwell, Dever, and Johnson. Nay: None. Motion carried unanimously. (7)

Ordinance No. 8389, authorizing the City's use of eminent domain authority and condemning the required property interests for the Burroughs Creek Trail, was read a second time. Aye: Amyx, Chestnut, Cromwell, Dever, and Johnson. Nay: None. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to approve the rezoning and adopt on first reading, Ordinance No. 8393, rezoning (Z-1-1-09) of approximately 4.48 acres located at 725 North 2nd Street from IG (General Industrial) to IL (Limited Industrial). Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to approve a Special Use Permit and adopt on first reading, Ordinance No. 8394, a Special Use Permit (SUP-2-2-09), for a Day Care Center at 1023 Highland Drive. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to concur with the Traffic Safety Commission's recommendation to deny a request to establish a "multi-way stop" at the intersection of 21st Terrace and Maple Lane. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to concur with the Traffic Safety Commission's recommendation to establish reserved parking for

persons with disabilities along the north side of West 22nd Terrace providing two spaces on each side of the walkway to the church. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to receive the status report on North 2nd and Locust Street project, and authorize the Mayor to sign Certification of Property Acquisition and Utility Arrangements. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to authorize staff to negotiate an Engineering Services Agreement with Bartlett & West for engineering services for reconstruction of Kasold Drive, 31st Street to Clinton Parkway, Project No. PW0903. Motion carried unanimously. (14)

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to authorize staff to negotiate an agreement with BG Consultants for engineering services for the extension of water/sewer services at Lawrence Municipal Airport. Motion carried unanimously. (15)

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to authorize the Mayor to execute Neighborhood Stabilization Program grant agreements with Kansas Department of Commerce for the 1100 block of Rhode Island Tenants to Homeowners Development "Rhode Island Roost." Motion carried unanimously. (16)

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to receive the 2009 first quarter report from Downtown Lawrence, Inc. Motion carried unanimously. (17)

As part of the consent agenda, **it was moved by Johnson, seconded by Amyx**, to authorize the Mayor to sign a subordination agreement for Nancy Holmes, 303 Eldridge Lane. Motion carried unanimously. (18)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said the report included the April sales tax distribution; Roger Zalneraitis drafted a report on tax abatements in northeast Kansas which

showed that a number of communities were actively using tax abatements; rental registration renewals were online; the City was facilitating the recycling of electronic equipment; the Public Works Department provided an annual report; and, Solid Waste employees showed some kids how the rear loader trucks function.

Mayor Chestnut said he looked at what the City budgeted and looked at sales tax for 2008 which the City budgeted a half percent increase in sales tax and was almost right on that number which was good news. (19)

REGULAR AGENDA ITEMS:

Consider approving Special Use Permit SUP-2-1-09, to allow Research Services in Downtown Commercial district at 647 Massachusetts Street, [Lot 19 on Massachusetts Street, 2nd Floor Only]. Submitted by Barber Emerson, LC, for GCB Holdings, LC, property owner of record. Adopt on first reading, Ordinance No. 8395, for a Special Use Permit (SUP-2-1-09) to allow Research Services in Downtown Commercial district at 647 Massachusetts Street, 2nd floor.

Sandy Day, Planner, presented the staff report. She said the property was located in the downtown overlay conservation district, specifically, 7th and Massachusetts. The proposed research office activity would occur on the second floor of the existing structure. The Planning Commission forwarded a recommendation to the City Commission for approval on a vote of 5 - 3, two of the Planning Commissioners expressed concern not knowing explicitly who that tenant would be. The review of this particular application was for the use and not for the specific tenant of that space. The function would be predominately an office activity or very comparable to an office activity. The proposed conditions that were reflected in the staff report, conditions three and four were specifically proposed by the applicant in an attempt to be proactive and address concerns that might have come out during the public hearing. She said there was no comment during the public hearing on this item. Conditions one and two were standard conditions that were seen with most special use permits.

Mayor Chestnut called for public comment.

After receiving no public comment, Mark Anderson, on behalf of the applicant, said prior to this evening, the applicant visited with a number of property owners. The applicant attempted to be proactive in anticipating what possible and reasonable concerns folks might have in the downtown area and that was where those conditions came from as well as the timeframe. He asked that the City Commission follow the recommendation from Planning Staff and Planning Commission and approve the SUP.

Mayor Chestnut said he spoke to Anderson and read the Planning Commission report and two of the Planning Commissioners went on record to say they did not have an issue with the use because of the intensity, it was just not knowing who the applicant was. He said he agreed with the conclusions of staff that it was about the use and not about who was using it and secondly, items were clarified from the Planning Commission's notes, from Anderson, and he appreciated that clarification.

Vice Mayor Amyx said he also had the opportunity to visit with Anderson. He said he appreciated the applicant's willingness to visit with folks in the area. By visiting with folks, it made the City Commission's job easier because their questions were already answered.

Commissioner Johnson said he spoke to Anderson and felt good after looking at the Planning Commission and staff's recommendations because he thought the issues had been addressed and it was a great thing for the downtown area. He said he was excited to see what company would be occupying that space downtown.

Commissioner Cromwell said he would go on record and mention the building was owned by a number of the Fritzel's, his wife's family, and there was no conflict of interest.

Secondly, he said he was once a research chemist and toxicologist and with the restrictions placed, it was a safe use of that space.

Commissioner Dever said this was researched, self governing, many safety plans in place, and people handling materials were professionals. He said it was not a manufacturing environment and was something that was wanted downtown. He said if this company could be

in the downtown area that would add a bonus to the development and growth of office use and help the retail use.

Mayor Chestnut said the mixed use was what they were trying to achieve as far as having those opportunities occupying more office space.

Moved by Johnson, seconded by Amyx, to approve Special Use Permit (SUP-2-1-09) to allow Research Services in Downtown Commercial District at 647 Massachusetts Street and adopt on first reading, Ordinance No. 8395. Motion carried unanimously. (20)

Consider approving Rezoning Z-2-3-09, to rezone approximately 2.83 acres located at the southeast corner of E 19th Street & Learnard Avenue from RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential). The property is identified as 423, 431 & 533 E 19th Street; 1926, 1930-32, 1934-36 & 1938-40 Learnard Avenue; and the parcel east of 1934-40 Learnard Avenue; and, adopt on first reading, Ordinance No. 8396, for the rezoning (Z-2-3-09) of the southeast corner of E 19th Street & Learnard Avenue from RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential).

Sandy Day, Planner, presented the staff report. She said this proposed zoning was located on the east side of town, 19th and Learnard, which included multiple parcels. Most of those parcels did have structures and there were two vacant lots. The surrounding zoning was residential to the north, west and south, and industrial to the east. The area was zoned IL and IG zoning on the east side. The area to northwest was RS5 which was a smaller lot, single-family residential detached type activity. She said there was multiple property owners involved in this request, but were a family relationship.

She said two of the parcels were platted lots and buildable lots as single-family detached. If approved, the proposed request would do two things, first, it would allow those two lots to be built with duplex units and second, it would bring into conformance the existing structures that were duplexes that were built prior to 1966 so there was a long history of non-conformity to this area that approval of the request would resolve.

The surrounding zoning was residential with the exception of that east side that had a lot of industrial activity. If approved the proposed density would change very little. The property

was also in the Burroughs Creek Plan. The plan talked about trying to remove non-conforming and bringing properties into compliance and balance with the use and the zoning and the proposed zoning was consistent with those policy recommendations in that document.

The Planning Commission forwarded the recommendation to the City Commission with a vote of 6-2 which was why this item was on the regular agenda. There was some concern from two Planning Commissioners about the change to single-family.

Vice Mayor Amyx said the net gain of residential property was two addresses.

Day said yes.

Vice Mayor Amyx said he visited with one of the applicants and because of the division of those lots there was a question about a side yard or back yard setback and did the rezoning take care of that issue.

Day said she needed to look at that issue. There were other processes such as receiving a building permit, floodplain development permit, and historic review, but in terms of the base zoning, staff would need to look at how those lots were platted, where the front was located and the orientation which would probably be a large part of the historic resource review.

Vice Mayor Amyx asked if the access was okay.

Day said both of the platted lots did have access to a public street as required by the subdivision process. The applicant had been talking with staff about exploring an option to have a shared driveway providing access to both of those lots. She said that would take the access for the duplex off of 19th Street and put it to Learnard.

Vice Mayor Amyx asked if that was part of a development plan and an administrative approval.

Day said yes, a building permit.

Vice Mayor Amyx said those buildings were being brought into conformity and if something happened to those properties and had to be rebuilt, he asked if those properties had to go through historical review to be rebuilt.

Day said yes.

Commissioner Johnson said during the historical review with the appearance and character of the buildings, he asked if the applicant had to show what was going to be built and the elevations.

Day said yes.

Commissioner Cromwell asked if there were two or three non-conforming duplexes.

Day said five of those structures were non-conforming.

Commissioner Cromwell asked if they were talking about two buildable lots and the applicants were looking at building a couple of additional duplexes.

Day said yes, two duplexes, four total units.

Mayor Chestnut said the two lots that chose not to participate, that sliver that bordered the property in question and the IL zoning, he asked if those two structures were non-conforming uses as well.

Day said she was not sure about what the status was on that property, but the other property appeared to be single-family.

Mayor Chestnut called for public comment.

Tim Windholz, one of the property owners, said the family had owned that property close to 70 years and it had been built as duplexes as early as 1954. The flavor of the neighborhood was pretty well established, 55 years of the existing uses and they would like to get those uses as conforming uses that would plan to Horizon 2020 plan of infill development as well as some mixed uses in this particular instance. He said they felt that putting the duplexes in among the five duplexes that were already at that location made good sense and would be an easier sell than single-family homes, because there was light industrial to the east.

He said the one particular house that Day did not know about, was a single-family residence, but it was as rental property and they could not get a hold of the landlord to get his approval one way or the other.

He said if something happened to one of their properties now, they would not be able to rebuild the duplex with the current zoning. He said that was one of the primary reasons for asking for the rezoning of the existing lots.

Commissioner Amyx said he had a comment brought up late last week about this development. One of the concerns was removing the existing properties which would be an economic nightmare, but if a new duplex development was to be built, and a platted street needed to be constructed through that area, they would end up with less property than what they had now.

Windholz said there was absolutely no way to do that with a Planned Unit Development as far as vacating some property and putting in a City approved street which did not make sense. He said one of the duplexes was on 65,000 square foot lot which the City's zoning minimum is 6,000 for a duplex. The other two lots were 21,000 and 24,000 square foot respectively. Part of that area was in the floodway and part in the floodway fringe, but there was more than enough square footage to allow for not covering more than 30% of the floodway fringe with impervious surfaces which to build a single family residence or a duplex, the driveway, turnaround, and parking was virtually the same, it was just the size of the building that would be different. He said there was also the one land-locked lot that had the old horse barn that had been there for a hundred years and no one had plans for that area.

Vice Mayor Amyx said it appeared the applicant, along with staff had worked hard to come up with a reasonable solution in trying to bring conformity to this piece of property, allowing for infill development which was something the Commission wanted to see happen.

Commissioner Johnson said he echoed Commissioner Amyx comments. He said he commended the applicant and City staff because when trying to do infill development, it could be a challenge. He said the applicant had followed the processes and came up with a good plan.

Commissioner Cromwell said he was not a big fan of switching single-family zoning to duplexes or multi-family, but in this case, a majority of that area was already multi-family. He said when talking about infill, it was a better way to go and to top it off, affordable housing was always talked about in Lawrence.

Mayor Chestnut said regarding the houses on East 19th from the traffic circle, he asked if that area was RS7.

Day said a piece of that area was RS5, but there was some multi-family zoning further out. The majority of the area was either RS5 or RS7 zoning.

Commissioner Dever said given the current use of the eastern adjacent property and the lack of conformance with the existing structure, he said it made good sense and a good application for infill development.

Mayor Chestnut said he appreciated the work of staff. He said it made sense because they always talked about transitions and this zoning item represented a transition to the east with the IL and RS7, and to the north coming into the RS7 from a major collector and it seemed to make sense.

Moved by Amyx, seconded by Dever, to approve the rezoning (Z-2-3-09), for approximately 2.83 acres located at the southeast corner of East 19th Street & Learnard Avenue from RS7 to RM12D and adopt on first reading, Ordinance No. 8396. Motion carried unanimously. (21)

Consider adopting the 2009 Action Plan and Investment Summary of the 2008-2012 Consolidated Plan and consider adopting Resolution No. 6836, authorizing the Mayor to execute agreements for the 2009 CDBG and HOME programs and other such documents as may be required to be submitted to the U.S. Department of Housing and Urban Development for such programs.

Margene Swarts, Assistant Director Development Services, said every year the City was required to submit a consolidated plan or annual action plan to HUD regarding their CDBG and HOME Programs. This year's submission would be the second year of their five year plan which

was 2008 through 2012. It was a one year action plan and investment summary and basically it discussed housing and community development needs and priorities for the community. The investment summary detailed the activities that were recommended for funding in the coming year.

Priorities were determined both by assessment of needs as well as which prior activities in previous years had been completed. The Community Development Advisory Committee made the recommendation for the CDBG and HOME Programs with input from other citizens, advisory board, the public, census data, previous homeless counts that was conducted locally, and direction also came from the annual study session that the advisory committee had with the City Commission.

As previously approved by the City Commission, the committee continue to consider the Step Up to Better Housing Strategy when making the funding allocations and additionally they paid strong attention to addressing all of the homeless situations locally and had recommended funding to both the Lawrence Community Shelter and the Salvation Army as well as some other agencies.

The advisory committee held a public hearing on April 23rd, which opened the 30 day written comment period. There were two citizens that attended the public hearing and made comment and to-date received one email and written comment. Notes from the public hearing as well as any written comment received would be included with their planned submission.

The City was just notified of the final allocations for CDBG and HOME Program for 2009 and was happy to report that staff was using estimates from last year and the actual allocation was more. It was always good when they had more money to allocate instead of having to figure out where to take it away. She said because the allocations were based on last year grant amounts, the original allocation the committee made was a little less. She said because of the shortness of timeframe between finding out in the meeting tonight, staff made some recommendations on the extra funding.

With regard to the investment summary, it was important to note that by federal regulation expenditure of funds was limited in three areas. She said no more that 15% of the CDBG Grant could be used for public service activities and for administration the cap was 20% for the CDBG Program and 10% for the HOME Program. Additionally for the community housing development organization or CHODO which was Tenants to Homeowners, the cap was 5% of the grant. The allocation as recommended by the advisory committee and including the recommendation or revisions that staff made were all within the regulatory caps. There were no caps on capital improvement type expenditures and the set aside that was required by HOME for CHODO was a minimum of 15%, but more could be allocated if desired.

The next step in the process would be adoption of the resolution authorizing the submission of the CDBG and HOME action plan investment summary and other grant documents.

Patti Welty, Chair of the Community Development Advisory Committee, said they held six meetings where applications were discussed and worked on the allocations. She said during that time they learned that a couple of the public service organizations were facing some changes and were invited to a meeting to discuss their changes and find out what their new needs would be. She said they finished their deliberations on April 9th and held their public hearing on April 23rd and the comment were all positive. On May 1st they found out of the increase in funding so staff took into consideration, the federal caps and the committee's previous allocation decisions and plugged those increases in accordingly. They were also looking forward to receiving some stimulus money and they had asked staff to prepare a letter so that when more details came about, they could get that letter out.

Mayor Chestnut called for public comment.

Vice Mayor Amyx said under the investment summary, the first time homebuyer rehabilitation in the amount of \$100,000, he asked if there was consideration given to the first time homebuyer that had the tax credit right now.

Swarts said Tenants to Homeowners had a partnership with a for-profit entity and they had a low income tax credit application into the State of Kansas for a project for five, four-plexes that would be rehabilitated and eventually through the life of that project, those four-plexes would be rented to low income individuals and believed that many would be for people with disabilities.

She said staff did not know about the tax credit then, but if looking at the HOME side where there was the first time homebuyer program of \$187,000, the rehab was for the first time homebuyer where down payment and closing cost assistance was provided and might require rehab. She said that money was pulled from the other pot for the rehab which allowed a little more funding for the down payment and closing cost side.

She said Tenants to Homeowners was really good at administering that program and stretching the dollars as far as those dollars could go. She said she felt they got a good bang for their buck in that first time homebuyer program.

Vice Mayor Amyx said he did not have a question about Tenants to Homeowners because they did a great job. He said what he was saying was if there was \$8,000 available for first time homebuyers, he asked if the City could consider the allocation of some of those funds available to first time homebuyers either in the rehab or HOME Program because the \$8,000 check was additional and asked if the City could use that money somewhere else.

Swarts said it was her understanding that the \$8,000 rebate came directly back to the homeowner during the tax process. She said they might be able to tie it into the homeowner's agreement in the land trust program with some kind of a document that when they received that money, it would be repaid to the program. She said staff could look into that idea.

Vice Mayor Amyx said if there was a possibility of lowering that amount because of that extra money available to first time homebuyers and look at some of the other agencies.

Commissioner Johnson asked if they were able to fund all requests.

Swarts said there was one public service agency that the committee deemed not appropriate. There was not enough information available and staff could not get any of that information therefore, declined to fund that agency. She said everyone else that applied was funded. All the neighborhoods were approved for their maximum request with the exception of East Lawrence. She said adjustments were made with part of their request and the funding was decreased. The amount of the operating and coordinator part of those requests was funded in full for all five of the neighborhoods. A couple of the public service agencies were funded in full and the other were funded closely.

Commissioner Cromwell said he was curious about the potential, as far as caps, of moving those funds around because there were first time homebuyers getting money from the federal government right now and might be less needy than last year. He said some of those organizations on the list might be needier.

Swarts said public services were subject to the cap and they had allocated the maximum that could be allocated for CDBG Grant and they could not fund any of those agencies anymore unless they took away from someone else. She said they could not take money out of the capital improvements and add it to the public services. They could move around within the public services such as taking away something that was allocated and put that money somewhere else. She said they were limited in the type of program they did for down payment and closing cost assistance on the CDBG side and it was different on the HOME side which they provided down payment and closing costs assistance out of the HOME Program and the rehab out of CDBG. She said they could move things around in capital improvements, however, in the capital improvements, with the exception of the comprehensive housing rehabilitation program, the other applications that were made were funded in full and added a little to the sidewalk project. On the HOME side for tenant based rental assistance, she did not recall exactly what their application was now, but more money was added and the First Time Home Buyer Program with the additional HOME funds received.

Vice Mayor Amyx said Swarts expertise was second to none when it came to those applications.

Mayor Chestnut said the federal program was a tax credit and there were not a lot of people that did not have a federal tax liability and that program would not be relevant and would not qualify, but they had some flexibility.

Vice Mayor Amyx said they were able to fund Housing and Credit Counseling in total this year. He said with the present economy, that program was important to a lot of homeowners.

Moved by Cromwell, seconded by Johnson, to adopt the 2009 Action Plan and Investment Summary of the 2008-2012 Consolidated Plan and adopt Resolution No. 6836, authorizing the Mayor to execute agreements for the 2009 CDBG and HOME Programs. Motion carried unanimously. (22)

Receive information regarding a homeless camping proposal.

Margene Swarts, Assistant Director Development Services, presented the report. She said the Commission received information from staff's research regarding camping, a copy of the housing vision, several attachments from the Community Commission on Homelessness, and a timeline about the various discussions of the Community Commission on Homelessness camping discussions, a copy of the proposal from David Tucker, and a memo regarding the conservation easement on the property east of the Riverfront Mall.

David Tucker, Homeless Outreach staff at Bert Nash, said he would like to restate the reasons this proposal was brought forward. There was a real issue in Lawrence that was worsening by the day. Homelessness was on the rise and Lawrence's shelters did not have enough space and every night people were turned away to try and find a place to legally sleep. People could be arrested, fined, and harassed, all because of their poverty and their inability to procure some type of shelter. He was a firm believer that having a place to sleep at night could make a difference to get ones life back on track. People deserved to sleep without fear of prosecution. He said he understood the City Commission should think about all of the citizens

in Lawrence. He heard questions raised by some of the City Commissioners and others that had spoken about this topic and respected those questions and other opinions. He said he agreed that this was not the ideal situation, but it was an idea. He said he had heard very little from other for other solutions or suggestions to this issue. Homelessness just did not go away if closing a shelter or cut service funding or bulldoze a campsite. It was an issue that would require compassion and a lot of patience.

The plan was flexible on where it could be located, what type of services were offered, staffing issues and had a lot to still be discussed. He always encouraged honest discussion about the matter. Again, he appreciated the City Commission's time on this matter and if anything, people were becoming aware of an issue that had been hidden for too long. He said he did respect the Commission and hoped that regardless of the outcome, the Commission would make the decision that they felt was best for the citizens of Lawrence, those with housing and without.

Mayor Chestnut called for public comment.

Brad Cook, Licensed Social Worker and Homeless Outreach Worker, said they were at a point where the economy had changed, jobs were lost, and people needed a place to stay. He said this was not about social justice, but how society treated people less fortunate and how they wanted to be seen as treating the less fortunate.

The campsite was not the best idea and was a temporary solution. He said there should be language in the proposal that indicated an end date for the temporary shelter because it could not be a permanent solution. As of now, it was the only thing being offered and it was a solution and therefore the City Commission should approve it.

He said for those who say if a campsite was approved, more of the homeless would come to Lawrence, but the homeless were already present and were not going away. The homeless were human beings and had dignity that deserved the community's respect and attention.

Finally, he said if this campsite alleviated the solution at any capacity, it could only be deemed a success.

Matthew Faulk said he was employed in helping and serving the homeless population in this community. He said as a community of people, as humans were inherently integrated within a community, they were not islands and did not act as islands. There was no one who existed in this community who was present because of their own doing in a situation which the greater community had no part in that. When talking about homelessness, that was a subcategory of the larger issue of poverty. He said if they were going to address those issues then they needed to start thinking about what the community was doing that was fostering or allowing for poverty to exist.

He said the difference between working to fight poverty in understanding that poverty was something that exists through and through the community. There was a difference between a person who was poor and poverty and they needed to be aware of making decisions that point out and come down on the poor. He said there were statutes the community abided by, but he thought the statutes singled out the poor such as the camping ordinance.

He said no one had a hard, fast, and easy solution, but the campsite was one of the only solutions that were being proposed. He said the community needed to come together to come up with options. He said Lawrence was in a specifically peculiar situation to set a national precedent or even a global precedent. He said no one in the community, the nation or the world has put forth this effort to alleviate poverty and house everyone.

Angela Jennings said over the last few years, she had tried to submit proposals for workshop areas for public use concerning recyclable, new scrap items as a way to supplement income for those who were disabled or unemployed. As a part of that project, she wanted to include a recreational form that included some historical aspect. She said when the tent city proposal became new it encouraged her more to proceed with the idea of the recreational part of this issue. She said if they approached this issue more as something that individuals in

general could use as recreation and not pin point it to just homeless population that it might be easier for the community to endure.

She said she recently purchased some woodworking tools and had moved into a small area with a large workshop to recreate a boardwalk, solar lighting, and maintenance, requiring those who were indigent to perform certain work duties to keep those areas clean. She said part of the issue was making sure that anyone that was in that situation on an indigent level would work through Bert Nash. She said if it was allowed that any individual that was not indigent, would be allowed to purchase a campsite for the weekend that would bring more revenue to the City of Lawrence and allow them to see where they could best benefit those who needed those services versus those who were enjoying those services.

Michael Tanner said he did not think the campsite should be temporary because in his research there were permanent campsites all over the west coast and were successful. He said he wanted to bring up problems with what was happening with homeless people, especially homeless people that had vehicles. He said he was building a structure and the structure would be built regardless of what happened at this Commission meeting. The difference was the City could not bulldoze this structure because it was licensed by the State. He said in the area that he was building his structure, he was asked by the Police Department to leave that area. He said he left the area and went to the parking lot of the Department of Motor Vehicles. He said he talked to the Municipal Courthouse and they assured him that parking lot at the DMV was public property and parking. He said after he returned running errands, a tow truck and several police officers were present. He said he did not have a tow sticker on his vehicle and he received no notice, but they were going to tow his vehicle. He said the officer gave him 30 minutes to get his vehicles moved or he was going to jail for criminal trespass and was told he could not come back to that location.

He said there were so many people homeless that those people were living in their vehicles, but if they had this campsite none of this would be happening. He asked what he

could do to have better relations with the Lawrence Police Department. He said Tucker had a good idea regarding the homeless camp.

Ted Boyle, President of North Lawrence Improvement Association, said they had discussed this campsite and the residents thought it was a tremendous liability to Lawrence and it would take emergency services away from the neighborhoods in the City. He said they had to distinguish between two types of people which were temporary homeless people because of economic times and then there were the professional transients. Those transients were along the river on the north side, east of the boat ramp and those transients had refused housing and jobs because they preferred to live outdoors along the river which was fine with him. He said they believed this campsite would attract more professional transients instead of people that were temporarily down on their luck. The North Lawrence Improvement Association whole heartedly backed and supported the Ballard Center which offered services to temporary homeless people and recognized there were two types of homeless individuals which were the people who wanted to get back on their feet and contribute to society and then there were people who wanted to live off society. The North Lawrence Improvement Association and the residents of Lawrence thought the campsite was a bad idea.

Monica Davidson said she was curious if the City Commission was interested in the campsite being in East Lawrence or North Lawrence and how that would come about with the safety of individuals at that camp and accountability. She said she knew they were talking about outdoors, but there were people who converted from indoors to outdoors.

Hilda Enoch, member of Coalition for Homeless Concerns, said for 30 years they had been struggling to find housing for people who did not have housing. Some people were more vulnerable than other people, but this was a community that should consist of all people. The City Commission was elected by the people and charged to find positive solution that did not criminalize the most vulnerable and find solutions that help those people have dignity and the

support that was needed. She said the homeless were members of this society and they could not simply be harassed and punished for the condition they were in.

Angela Jennings said she had been seeking permission from some of the property owners in Lawrence. She said she believed the only condition on camping versus illegal camping was permission from the property owner. She said she would like to put out flyers and did not know what type of permits would be required.

Mayor Chestnut suggested speaking to City Staff.

Steve Braswell, President of Pinckney Neighborhood Association, and secretary of Lawrence Association of Neighborhoods (LAN), said he wanted to address a misstatement in Tucker's memo. The Lawrence Association of Neighborhoods did not support the proposal, but supported talking about the issue. He said they did not support camping in City parks, homeless or otherwise.

He said LAN was behind actively supporting enhancement of the community shelter. People that had discussed advocating this camping proposal often end up asking what else could be done. He said the City Commission and community needed to get behind the effort of improving the community shelter. This issue had to be dealt with and needed to get on board to figure out how to get this community shelter improved. He said there was going to be very little community support for this camping in the parks by anyone.

A person named Erica said there was a lot of prejudice about the homeless community and she did not want that prejudice to go into any decision the City Commission made. Also, the homeless were already camping in the City parks and to continue to criminalize that behavior seemed judgmental and it was not the job of lawmakers to dictate morality based on income.

She said this proposal was created in response to a homeless camp where people had taken initiative to actually build structures and try to rebuild their lives which their was claim that there were two classes of homeless people. She said she they needed to allow people to

rebuild their lives and this was a good option. She said to dictate the homeless necessarily needed to camp indoors did not allow the freedom of choice that everyone else was allowed. She asked that the City Commission support the proposal.

Phil Collison, president of East Lawrence Neighborhood Association, said one of the primary issues was that it was a health and human safety issue and it was important that any type of proposal that would occur, would address the health and human safety, and the dignity of the people that would be in that camp along with the surrounding neighbors. He said with any proposal their association would be watching very closely to make sure those safety issues would be addressed.

Jeanette Parker said she wanted to make sure the community kept in mind the human rights values and remind the Commissioners, regardless of the homeless situation, that the homeless were human beings and deserved to have consideration. She said she appreciated if the City Commission would read the parts of the Declaration of Human Rights regarding human rights issues on camping.

Loring Henderson, Director of Lawrence Community Shelter, said what the Shelter was doing in finding another shelter raised questions and was certainly connected to the issue of having a camp. He said he supported Tucker's proposal and based it on practical considerations in making the right decision. It seemed there was no place for people to go where they could sleep, if the shelters were full. He said they did not have enough beds at the shelter, but he was not saying the camp site would fix the situation, but for the present time, this was a reasonable proposal for the situation in hand. The requirements that Tucker had proposed for the camp was that people had to be in case management, sign in, and have connection with the outreach workers. He said they already had staffing to help out with the folks at the camp which would help them try to move those people out of homelessness.

He said he did not think the campsite would be a draw for the homeless because if they had to be in case management, working with someone and dealing with their issues trying to get

out of homelessness and work with their problems, then people would not be coming to the camp just to hang out.

The health consideration, they tried to keep minimal because of costs, but there would be porta-potties and dumpsters for trash. He said they were justifiably worried about something happening like the two young men that died in the camp, just before it was bulldozed a few months ago. Those young men were not part of the camp and they had apartments in town and came from town and were using the camp. Again, if they had people like the outreach workers who were watching the camp and the people were in case management, then there would not be people coming to the camp to party. Even if they did party, it would be less because there would be control from the case workers.

He said this was a very difficult situation and wished there was no camp proposal, but for the current time, it was a reasonable proposal and that was why it was a temporary proposal. He said if they were going to enter into a contract with the City, it would be a temporary shelter and they would support to help close the camp.

Saunna Scott, Lawrence, said people kept referring to the area behind the Santa Fe Station as an eagle sanctuary and she thought it was wonderful that the City provided for its eagles, but asked if somehow the City could have a people sanctuary.

Commissioner Dever said he wanted to thank Tucker for his thoughtful approach to finding some sort of solution to this issue the City was faced with. He said his major focus, in the next twelve months, was to find a permanent, livable, healthy, safe solution for people indoors as opposed to outdoors. He said Henderson indicated this camp was temporary, but he was not sure if they focused on this solution, both the City providing the camp ground and a temporary solution that would move forward on a permanent indoor solution. He said his biggest concern was focusing their time, energy, and effort on trying to perhaps receive consensus on this campsite and move forward and lose the time trying to establish a permanent solution. He said his goal and commitment would be to help find a permanent place and he was

concerned there would be community debate and question about this concept and frankly it took away from the bigger question of what they would do about this homeless issue permanently and how would they provide a safe place for people regardless of whether they chose to be homeless or whether a victim of circumstances to move forward into a better life. He said if the Commission was going to focus on anything, he would like to focus on a permanent home for a shelter. If they could find a private entity to provide the land for something temporary, then the City could focus resources and attention on helping fund a permanent location that would be equipped to handle the growing needs of 300 or more homeless people in this community. He said he had not seen good outcomes in the public realm in other communities with those tent cities or quasi legal camping areas. He said those camping areas were shutting down more than popping up and communities were doing more within their government to try and find safer and better housing solutions than those campsites. He said the City would be taking a step backwards if they were going to sanction and try to get involved funding something along those lines and would rather direct funds into something that would be more permanent and a better solution.

Commissioner Cromwell said homelessness was an enormous concern and he shared concerns that very limited resources were going to be directed toward a temporary solution that should be directed toward a permanent solution. He said he felt an enormous sense of urgency in moving forward with a new permanent location and a new indoor permanent solution. He said he had a great deal of respect for the work that Tucker did and put into this proposal and it was good the City Commission was taking a look at the proposal because it brought this very important issue up to the forefront. He said he had a lot of concerns that the costs might escalate. The total dollar amount in the proposal was low but when looking at other cities, that amount would grow. He said he would like to focus on a permanent home.

Commissioner Johnson said he commended Tucker for coming up with a plan and there was no doubt a lot of thought went into this plan. He said he echoed Commissioner Cromwell

and Commissioner Dever's comments about a permanent location. He said the City had good social service agencies right now that could hopefully help with this temporary situation. There was no doubt it was a difficult situation, but this proposal might have put the homeless issue at the forefront and with Tucker's energy to try to affect progress, it could be done. He said if the City could help a private organization in the process of getting a location, he would like to help.

He said Tucker might feel this was a vote against his proposal, but he did not think so because the Commission wanted to do what was best for Tucker as well as the community. He said respectfully, he was looking at the neighborhoods, taxpayers, and everyone involved as well as the people who would be camping. He said he did not think it would be a safe situation and would like the City to work toward a more permanent situation.

Vice Mayor Amyx said each and every person had spoken from their heart and that was something he appreciated. He said the City Commission's responsibility was to protect the public health, safety and welfare. He said the Commission's option was to look at a permanent solution in working with LCS and other agencies the City currently funded.

He said the numbers were growing for the homeless population and the City needed to be making decisions on how to help. He said he shared the Commission's position about a permanent housing solution. He said the City was funding outside agencies in the neighborhood of seven figures and were trying to do what the Commission believed was important in helping people who were going through a tough time. He said it was probably too early to approve Tucker's proposal, but if the City did not have those discussions about a permanent solution, then the Commission would need to consider Tucker's proposal because there were no other options. He said if it was permanent housing the City wanted, then how would they get there and if they could not get there, then what would the City do.

Mayor Chestnut said he wanted to thank Tucker for taking the initiative because it was important to raise the issue. There were difficult times when there were no good answers. He said he echoed some of Commissioner Dever's comments that when they first were elected,

one of the things they were introduced to was the Community Commission on Homelessness Housing vision. He said they spent the better part of three or four years building that vision. First of all identifying and hiring the case workers and putting together case management and also identifying who those folks were and their needs. He said he agreed that he wanted to keep their efforts on looking at their recommendations which was the emergency shelter where they designated the Community Shelter to be a part of and not just the emergency shelter, but what were they doing to provide services to reconstruct their lives. He said his biggest concern was diverting that focus. He said he also had some concerns about the costs to the City and one thing he was convinced of was by having a site, the homeless numbers would grow and they had limited resources in the community relative to providing services now to residents in Health Care Access, Bert Nash Mental Health Center and all the other great agencies in Lawrence supporting people in the community. He said he had a concern of those agencies becoming overwhelmed and that was something he did not see whether that was an experience in other communities or not, but he thought it was a risk especially in times like this where there was even more demands on those limited resources.

He said a comment was made that camping had always occurred and would likely continue to occur even after adequate shelter was available whether inside or outside. He said they would have people that would go into case management, but had to recognize there would be people that would not go into case management. He said he did not think that any particular site would necessarily alleviate the problem of other sites that were around town.

The unintended consequences were significant and believed that they would see some consumption of City resources, but again more community resources that were allocated toward the efforts of meeting the needs of people who were less fortunate. He said they needed to continue the dialogue and strive for answers and they were committed to helping the Community Shelter find the right location. There were interim issues the Commission faced challenges on, but he thought the adverse circumstance could be greater than what the good

was to make the stop-gap measure help some folks. He said he was hopeful that the Commission would be looking at some proposals for a permanent location soon. (23)

Consider approving recommended next steps for Utilities Department Master Planning and Infrastructure improvements.

Diane Stoddard, Assistant City Manager, said the purpose of this item as to receive City Commission direction on several capital projects that the Utilities Department was ready to proceed with as well as the next steps toward the Water and Wastewater Master Plans to examine the City's systems needs for the future.

He said the City Commission had a list of 2009 Capital Improvement Projects that the City was ready to proceed and was included in the 2009 Rate Model. Those projects were proposed to be funded through a combination of cash on hand as well as revenue bonds. The cash funded projects included approximately \$4.5 million and the revenue bond funded project totaled approximately \$9.3 million. The revenue bond funded projects were the continuation of the waterline rehabilitation and replacement program which targeted critical water main within the system for replacement, rehabilitation of the ground storage tanks at Oread and Clinton Water Plant, Pump Station Improvements, and Anarobic Digester Improvements at the Wastewater Treatment Plant which were necessary in order to accommodate the City's short term grown projections. City staff was requesting approval of the 2009 CIP list and approval of the revenue bond project and Resolution No. 6835 which authorized the issuance of up to \$11 million in revenue bonds which would cover the revenue bond funded projects as well as the necessary reserve for those bonds and the financing costs.

The next project staff was ready to proceed with was the Pump Station 9 Wet Weather Storage Expansion Project also known as the 4 Seasons Project. That project would expand and improve the wet weather storage capacity at the pump station which was located west of 31st and Kasold by 2.5 million gallons. This project was identified in the 2003 Wastewater

Master Plan and was critical to relieving collection system capacity issues and for the continuation of development along the 31st Street Corridor.

A request for proposals for the design of this project was issued in March of 2008 in accordance to the City's purchasing procedures. There were five firms that responded to the RFP and staff recommended proceeding with Black & Veatch primarily due to their previous design experience with the earlier phase of this Pump Station 9.

She said regarding the proposed master plan updates for the Wastewater and Water Utilities, staff believed proceeding with the updating the master plans for utilities was very critical and important for operational needs and also capital planning. The last master plans for wastewater and water were completed in 2003 and those replaced the 1995 water and Wastewater Master Plans. Interim updates that focused on specific areas of the City had made to those master plans. However, the master plans were six years old and relied on data that was even older. Staff believed that the changes within the past five years since those master plans had been completed decreased the reliability of the plans and some of those changes were the fact that the City's growth rate had changed and it slowed since the 2003 projects. Also, about \$45 million in capital improvements had been completed since that plan was put into place. There were on-going regulatory and permitting changes that had occurred and needed to be taken into consideration. Meter limitations for the rural water customers were being removed from contracts. New projects that were not contemplated in the 2003 Master Plans had arisen and needed to be appropriately prioritized and also new data and tools existed that the City could utilize to have even a better plan and better tools for what the City needed to be looking at in the future.

Regarding the Wastewater Master Plan specifically, staff believed an appropriate first phase would be a review of the Wakarusa Water Reclamation facility with recommendations for timing the construction and the initial capacity of the projects. One of the outputs would be a capital plan that would include appropriate triggers for implementing projects that could be

adjusted based upon growth and system needs. The City's current master plans identify projects along a timeline of what was to occur every year, but staff was suggesting that in both of those master plan updates to look at triggers that could be looked at in terms of adjusting to different changes in growth the City might be having.

Request for Proposals were issued for the Wastewater Master Plan in March of 2008 with four groups that were responding to the RFP and based upon the responses, staff recommended commencing negotiations with the team of Burns & McDonald and BG Consultants for this project.

Regarding the Water Master Plan, again this plan would utilize the same background information that was generated for the Wastewater Master Plan and provide a distribution system model that would be used to recommend capital projects and identify the appropriate triggers for capital projects in the future and determine appropriate construction schedules.

Request for Proposals regarding a Water Master Plan update had not been issued, but staff would recommend proceeding with issuing an RFP for this plan.

In summary, the City had a number of utilities related actions that staff would request that the City Commission consider or provide direction.

Vice Mayor Amyx said regarding Resolution No. 6835, for the debt financing for the CIP projects, Stoddard said that amount was not figured into the current rates.

Stoddard said that amount was figured into those rates.

Vice Mayor Amyx said he wanted to be sure before he spent anymore money after what the City went through on the Wastewater Reclamation Facility. He said he appreciated the report, but he wanted to understand every inch of those plans. He said if they did not do part of the plan and it was not a priority right now, what type of impact would it have on any type of infrastructure that was in place.

Stoddard said one of the first steps was having staff negotiate a scope of services. That scope of services would come before the Commission or if there were any particular thoughts

regarding the scope of services that the Commission would like to provide direction on would be appropriate. There might be ways to phase the master plan process to make it suit the Commission's needs as far as the phases in which things were looked at, what came first, and what was done initially.

Vice Mayor Amyx said the one project he saw that was important was the storage project because the City needed the capacity to store wastewater and that would help relieve backups or anything that would occur.

Stoddard said yes.

Vice Mayor Amyx said during the rainy season the last several weeks they had gotten close to the top end.

Stoddard said yes.

Vice Mayor Amyx said there were a lot of big projects on the list, RFP's for Water and Wastewater, but his main concern was that everyone understood what the City was buying, the order the City was buying, and what was and what was not needed immediately.

Commissioner Dever asked if Vice Mayor Amyx had a comfort level with the commitment.

Vice Mayor Amyx said he did not have a comfort level with \$11 million dollars worth of revenue bonds for projects that he did not know were necessary at this time.

David Corliss, City Manager, said they could start going through those projects.

Commissioner Cromwell said the City was out of date on its Master Plan and a functional up-to-date master plan would identify where to spend \$11 million.

Stoddard said staff's thought was the projects that had been identified were projects staff recommended proceeding with. Those projects were identified in the previous Master Plan and believed there were immediate needs to proceed with those projects. She said the Master Plan would enable staff to look at what else was needed to accommodate growth and the appropriate triggers for a schedule and could be adjusted at the proper time. If the City was not growing at

a rate that the City thought they might, there were ways to look at the appropriate implementation and make sure they were doing that in way that accommodated a variety of circumstances that might be presented in the future.

Commissioner Cromwell asked if the Master Plan was only for new development or was that plan dealing with existing maintenance.

Stoddard said the plan looked at existing items as well.

Corliss said the plan looked first at existing maintenance. The 2003 Master Plan was based on 2001 and 2002 data as far as growth. The plan projected that the City of Lawrence would grow at a 2 percent annual rate, but that had not happening for several years. It did project certain growth assumptions. One of the challenges with that Master Plan was that it based certain things on years, but not on certain needs and that was one of the reasons, if the City was fortunate to do another Master Plan, for better data in executing those projects.

Commissioner Johnson asked what the City spent on the last Master Plan.

Mike Lawless, Assistant Director of Utilities Operations, said it was approximately \$400,000 for both combined water and wastewater.

Commissioner Johnson said he did not want staff not to plan because staff had been caught in the past where there were opportunities for the community, but the City was behind the curve as far as infrastructure and the City had to play catch-up and was still playing catch-up. He said he did not want to continue pushing this Master Plan off.

He said he would like more information before committing the City to spending \$400,000 plus on new Master Plans. He said he did not want to put this off indefinitely, but the Commission was getting ready to talk about budgets and how the plan would fit in.

He said he did not want to derail the Commission from going forward on projects that might be important and were already in the rate structure to be paid, but again, as far as the Master Plan, he wanted more information.

He said they were six years down the road from the last Master Plan and there were also new technology improvements with software and modeling that was not available six years ago and certainly added to the costs, but also supplied a better product in the end that would be able to be used in the every day work when development did pick up to help fit into the model and see how it reacted and worked. He said it was just following through on the yearly Master Plan projects and the data was behind it, in terms of growth, but it was not explicit in the Master Plan. One of things they wanted in the new Master Plan was to see those triggers and was spelled out in the text of the plan so that it was not just a year by year plan.

Commissioner Dever said to make everyone feel more comfortable with this less tangible investment the City was making which was a plan or study, he suggested having a brief meeting to discuss the content and what the City would get out of this Master Plan. He said the technology tools might help in doing a better job in the future. He said \$550,000, if the City wanted to be careful about spending, was money the City should make sure they wanted to spend and subsequently feel more comfortable about spending the other \$22 million dollars in the plan.

Commissioner Cromwell said he was more comfortable spending money on a plan that would direct the City Commission on how to spend millions of future dollars. He said when the last plan was before 2003.

Lawless said 1995.

Commissioner Cromwell said it sounded as though the City was due.

Lawless said staff believed the current Master Plans served a useful purpose and used those plans to that end, but data and assumptions those plans were built on, had gone through six years, changes occurred and it was time to update that information to make sure about new projects and new regulations. The maintenance issues were all factored into what they did plan to do in the future, not only for growth, but for things like maintenance and regulations to be figured into the new plan.

Commissioner Johnson said he did not disagree and did not have discomfort spending money on the Master Plan. He said this issue caught him off guard and would have liked time to meet with staff to receive more background about this issue. He said he wanted to hold off and not spend that money until doing more homework.

Mayor Chestnut said the City Commission had five items they were being asked to discuss and provide direction and he wanted to make sure he understood the Commissioners input. He said regarding the approval of the proposed 2009 CIP, what he was hearing was some feedback about approving that level of projects when there was no plan in place and that would direct items in other places.

Commissioner Cromwell said that was his concern.

Mayor Chestnut said then the recommendation on the debt finance for the CIP projects would come after.

He said regarding the negotiation on the Wastewater Master Plan Project, it sounded like there was some consensus about having a study session to understand the outcome, where they had been and where were they going. He said the Wastewater had already gone out for an RFP and staff had received those proposals on recommendation for a selection, but also going out for RFP for the other piece and the Commission wanted to look at those two proposals together.

He said he would like a little more direction or discussion regarding the Pump Station 9, Wet Weather Storage Project. He said Vice Amyx expressed support in possibly moving forward given the fact that they knew that was somewhat a matter of immediacy, but he was not sure there was consensus on that item.

Vice Mayor Amyx said his idea was not to stop any of those projects and he understood the importance of those projects. He said a former Commission that was seated at the time when things feel apart based on the 2003 Master Plan, he wanted to make sure the Commission was doing it right. He said he wanted to make sure what the City was buying as

far as a Master Plan and did not have any question about staff's recommendations, but wanted to make sure before the City took that big leap.

Corliss said he wanted to make sure the Commission understood that staff was asking authority to talk to the selected vendor to get the Commission that scope and price, and bring that scope and price back to the Commission with justification to why that was the right scope to make sure the City did things correctly and avoid past mistakes, and that the price was justified.

Mayor Chestnut asked about which item was being discussed.

Corliss said he thought the Vice Mayor was talking about staff recommendation of contract negotiations with Burns & McDonnell and BG Consultants, the RFP for the Wastewater Master Plan. He said staff was not asking for authority to approve the dollar amount for the contract because staff did not know that dollar amount and not asking for authority to do the scope of services, but asking for authority to come back with that scope so the Commission could see the outline of that proposed contract and whether or not it accomplished the City Commission's goals within a reasonable price.

Vice Mayor Amyx asked if there was any chance the new Wastewater Master Plan would have any changes for the recommendations on the 2009 CIP.

Corliss suggested looking at those 2009 Capital Improvement Projects.

Lawless said the first project was the Waterline Rehabilitation Replace Program which was based on meetings where staff had identified through breaks, age of material, and service history on those lines. He said it was looking at the older lines the City had history with that caused the City problems. It was an on-going maintenance program that had been in the CIP since the 2003 Master Plan. This was a continuation of maintaining what was already in the system. There were areas where there were problems and this was the project that would allow staff to address those problems. He said he did not believe that project would change when doing a new Master Plan and there would be issues in the system that had to be addressed now and in the future. The dollar amount might change, it might go up or down slightly, but in the

new Master Plan they would have a waterline rehabilitation project that was identified for the life of that Master Plan.

Corliss said the consequence of not funding that project at this time, was that the City would not have funds to do that work.

Lawless said if the CIP and the resolution on the bonds were not approved, Corliss was correct.

Lawless said the Oread ground storage tanks were built in 1931 through 1950's and were running to the end of life. He said they needed a new storage tank or tanks at that location. There were also maintenance issues at Clinton on the two ground storage tanks. He said there was peeling paint and rust, while it was not a wholesale rehab of those two tanks it was going in and repairing the areas that needed attention. He said the dollars for the Oread project would allow staff to study options for replacing those tanks. Those tanks had a pump station and supplied pressure to that central service area. He said staff could not just go in and remove those tanks and build a new tank because somehow they had to supply water during that time. This would allow staff to study options and then begin the design knowing that in future CIP years, there would be a construction project for the tower or storage tanks at that location.

He said wastewater pump storage improvements and the three stations listed, there were numerous pump stations that were aging and did not necessarily have the firm pumping capacity needed. He said if one pump went out, they did not have a way to go back in and get that pump started up right away. He said they wanted to go in and make those pumps submersible that allowed copying those stations so they were all similar and parts that were interchanged and allow those improvements in a quick fashion.

The other project, Pump Station 28, was a station that was at capacity and they could remove that station and direct flow to Pump Station 35, redo station 35 and make it a regional station to removed one station and supply enough capacity for that area. He said for the Pump

Station 28 project, they had some funds that were deposited by developers for a project that was to be done in 2009. If they did not start that project, the escrow funds from that developer would get returned and staff was trying to get that project going so the City did not lose those funds that had been provided by the development community.

Lastly was the anaerobic digester project which currently had a design contract and allowed for funding that construction project.

Corliss asked what is the consequence of not doing that project.

Lawless said right now the City was limited to solids capacity at the Wastewater Plant and by finishing the digester project that brought the City up to a solids capacity that equal or similar to the liquid capacity at the Wastewater Treatment Plant.

Commissioner Dever said Corliss only mentioned one item the Commission had to act on, but it seemed like there were five actions.

Corliss said he wanted to make it clear that the 2009 projects were at various stages of planning and implementation, that the debt financing resolution was part of what was approved for rates for 2009, a longer term rate process.

The third item was not the Commission's final decision because the Commission would see a scope of services. He said he was trying to respond to the Vice Mayor's questions which were valid comments about wanting to make sure the City was getting a product that was worthy of the costs and planning efforts. He said staff did not know what that firm had yet because a scope had not been negotiated, but staff thought that firm was the best firm to negotiate with, but would want to come back with the scope and price. It would be a two or three month process to come back with a contract and a scope in order to do the Wastewater Master Plan.

The fourth project was 4 Seasons, Pump Station No. 9, at 31st and Kasold. It was recommended the City enlarge that capacity. Black & Veatch was the firm that designed that pump station in the first place and was the recommended firm to enlarge that station. He said

staff did not have a dollar amount yet and would like the authority to negotiate that dollar amount and scope. It was an important part if the community expected to grow further on the west side. He said it would be helpful for staff's planning for water services to have a Water Master Plan. The old Water Master Plan had expired from 2003. He said they did not know the firms that would seek that project. There had been discussion as recently as last week about what the City could do to change the engineering service selection process and this might be the project to start that selection process and competitively bid and find out how much it would cost and have a hybrid of those cost. For example, ask the top two firms to come back and arrive at a scope and a cost and receive a staff recommendation so the Commission could see the choices of the different costs. He said that would be one project staff wanted to issue differently as far as changing the City's purchasing policy. He said those project had merit when trying to move the City's utilities systems forward.

Commissioner Dever said he was trying to make sure this issue was brought back around and figure out what the Commission could and could not act on.

Corliss said the Commission could defer consideration on all those projects, but he wanted the Commission to know the consequences.

Mayor Chestnut said from his vantage point, he did believe it was appropriate to move forward on the proposed CIP Projects for 2009 and the debt financing. He said the City operated 12 to 18 months behind. Those were maintenance projects that were clearly identified that were not about growth. He said he did not know if those projects were germane to the Wastewater or Water Master Plan project moving forward because those projects were not addressing what the City would be as a community that was 100,000 plus, but it was keeping the infrastructure this City had maintaining appropriately.

He said he appreciated Corliss bringing up the issue of reviewing the City's procurement policy toward engineering services and the way it was pursued in the past, the reasons the City pursued engineering services and what other option the City might have.

He said on water and wastewater, he asked if that was done together or separate projects.

Corliss said those projects were together.

Mayor Chestnut said was there a reason those of putting those project together this time.

Corliss said there was obviously a connection to the two different utilities. He said the City Commission wanted to make sure to use the same level of assumptions about growth. He said because of the inter relatedness, it was appropriate to try to do those projects roughly concurrent. The wastewater in staff's opinion was more pressing, but wanted to do the water side as well. They had water request at the airport and some discussion now that the City had a Land Use Master Plan for the Farmers Turnpike area that it would be appropriate to look out at that location in making service extension. The City also had adopted a Master Plan, although the County had not adopted a Master Plan for west of K-10. There were a lot of good base data to instruct the consultants about what land use assumptions to use.

Commissioner Johnson said he was a little confused and after hearing Corliss mention the City was in a position to move forward in receiving a proposal for developing the scope which would give an idea of the price compared with the scope and a better understanding of what the City was getting. He said the Commission was not necessarily spending the money yet, but could go forward and look at the scope and costs. He said in hearing Corliss and staff explanation he was comfortable in moving forward and working with the consultants staff selected and putting that scope associated with the price which would gave the Commission a better idea.

As far as the 2009, he agreed it was an 18 month lag time and those projects were planned and ready to go. He said when talking about losing funding, he thought the Commission should move forward with those projects. He said he was comfortable with 4 out of the five projects and suggested talking more about the RFP for the Water Master Plan.

Commissioner Cromwell said it was previously stated that it was unlikely the maintenance items would not be changed as a result of a new Master Plan.

Lawless said those items in terms of the bonded projects would come forward in a new master plan. The waterlines and the age of the City's system were not going to change between now and when a new Master Plan was finished.

Commissioner Cromwell asked if the Master Plan was not designed to find where to best spend the City's money.

Lawless said in terms of maintaining the existing system, for the dollar amounts that would be put into a Master Plan, they would not get down to a 5 year list of every individual water main that would be included in a waterline rehabilitation program. It would setup a dollar amount for the system, based on the age and the modeling of the system that needed to be done, but not necessarily individual lines. He said he thought they would see a dollar amount for the 5 year period for waterline rehab and maintenance, but not necessarily an individualized list of what each year would be and that was what staff would identify when moving forward each year, based on break and work order history, sorting that through the age and type of water mains the City had.

Commissioner Cromwell said he was a little concerned that this Master Plan would focus on where they needed to prioritize the City's dollars in the future as far as repairs. He said he was assuming the overall system would be looked at and based on the system, but what he did not want to see was \$450,000 cut in paste from 2003 Master Plan.

Lawless said that was not what staff was proposing.

Corliss said that was why it was valuable to see the scope and the dollar amount on the wastewater side and on the water side, if there was Commission interest in changing the consultant selection process, he said he would suggest not proceeding with the water side, change the City's process, and not have this one be the only one that had a changed process, but the first one.

Mayor Chestnut said the only thing he was concerned about was hearing questions, even on the Wastewater Master Plan Project RFP, about the scope of that project.

Mayor Chestnut called for public comment.

After receiving no public comment, Mayor Chestnut said there was reason to want to discuss, even before taking any action on the Master Plans and the Wet Weather Storage Project, he was still trying to get a sense of whether that was a growth project or maintenance project. He said it seemed the Commission was moving to some consensus to move forward on the Capital Improvement Projects.

He said on the Wet Weather Storage Project, Pump Station 9, he asked if they saw that project as a quasi maintenance, need it now growth, or was it some blend.

Lawless said they saw it in the rains Lawrence had last week in the amount of storage and if the City was to get another storm that followed that storm, the City would have been very close, if not above the storage capacity for the amount of wastewater and storm water that was coming down that system. He said that was what staff was trying to prevent by having that additional storage basin. If they get back to back storms the City would have the ability to store that storm water and put it back into the system as the rest of the system could handle that amount.

Moved by Johnson, seconded by Cromwell, to approve Proposed 2009 CIP Projects and approve Resolution No. 6835 for the debt financing of four (4) 2009 CIP Projects. Aye: Chestnut, Cromwell, and Johnson. Nay: Amyx and Dever. Motion carried. **(24)**

Moved by Dever, seconded by Johnson to begin contract negotiations with the team of Burns & McDonnell/BG Consultants as the most qualified firm responding to the RFP for the Wastewater Master Plan Project. Aye: Dever and Johnson. Nay: Amyx, Chestnut and Cromwell. Motion failed. **(25)**

Moved by Amyx, seconded by Dever to begin contract negotiations with Black & Veatch as the most qualified firm responding to the RFP for the Pump Station 09 Wet Weather Storage Project. Motion carried unanimously. (26)

Moved by Dever to advertise an RFP for engineering services for the Water Master Plan Project. Motion failed for lack of second. (27)

Commissioner Dever said he as trying to figure out how the Commission would plan without requesting bids for a plan.

Mayor Chestnut said the CIP project were things needed to be done to keep the water on essentially because those were things identified through a lot of evidence and technology. On the Wet Weather Storage Project, the City was reaching a point where it was out of capacity. On both Master Plans, he wanted to have a discussion about the City's process and procuring engineering services, but secondly it sounded like there was some question of lack of knowledge regarding scope and the amount of money. He said Wastewater and Water Master Plan was approximately \$100 million and it might be good to take a step back and look at the entire planning process.

Commissioner Dever asked if the Commission was going to direct staff to have a study session.

Mayor Chestnut said yes and expeditiously.

Mayor Chestnut said he was hearing how the Commission would define the scope of the Master Plan because Commissioner Cromwell had a lot of questions. Secondly, the Commission should take a look at the rate base and what they were looking at in total commitment because there was a big number as far as the Wastewater Treatment Facility, an update as far as what the City did in acquiring land and that whole situation. Also to plan for the rates, how long those rate structures would need to be there and some discussion about how the Commission planned on putting the input in because population growth was the number one key to this issue. He said they needed to go through some type of educational process.

Corliss said staff would be able to show the Commission what was done in the past and the Request for Proposals from the firms, but what staff would not be able to show the Commission was what staff was proposing to do with those consultants because there was no scope of services with those consultants.

Mayor Chestnut said staff would know what was going into the RFP.

Corliss said correct, but his point was that staff would not be able to get as “granular” as they would like to because there would be a proposed scope of services from those consultants. What staff would have was a recommendation developing a scope of services with those consultants. He said staff would try to be specific because the Mayor was after increasing the comfort level that this was the right process to proceed. He said if they understood where they had been as far as project, inputs for population, rate impact, and other types of things, those were usually the scope items in a contract with a consultant firm and staff would not have those scope items for the Wastewater Project.

Mayor Chestnut said the rates were set last budget season predicated on some assumptions.

Corliss said it was predicated on the CIP projects that the City Commission just approved.

Mayor Chestnut said correct, but also going outward there had been a long term plan that had the larger project and its scope in anticipation. Again, he said he suggested reviewing what was done and understanding implication to what the scope might be because it was a huge project and was the largest commitment the Commission would make.

Corliss said absolutely. He said he did not want the Commission to think they could have the scope laid out.

He said what would be most valuable, at a study session, would be to have those consultants work with staff to have a possible scope so the Commission could have an idea of what that type of project would entail. He said the consultant would not technically be selected,

but he was sure the consultants would be present and work with staff to lay out a possible scope so if they could get to the point where the Commission could approve the recommendation from staff, the Commission would then be able to see the scope and price tag and better informed of whether or not that was a good use of public resources.

Moved by Amyx, seconded by Dever to reconsider beginning contract negotiations with the team of Burns & McDonnell/BG Consultants as the most qualified firm responding to the RFP for the Wastewater Master Plan Project. Aye: Amyx, Dever, and Johnson. Nay: Chestnut and Cromwell. Motion carried. (28)

Moved by Amyx, seconded by Dever to defer beginning contract negotiations with the team of Burns & McDonnell/BG Consultants as the most qualified firm responding to the RFP for the Wastewater Master Plan Project and to defer advertising an RFP for engineering services for the Water Master Plan Project, until after a study session on these items can be held. Motion carried unanimously. (29)

Consider authorizing the submittal of possible transit and surface transportation projects to the Congressional Delegation for possible inclusion in the next comprehensive transportation bill.

Diane Stoddard, Assistant City Manager, presented the staff report. She said the legislature and federal delegation was beginning to work on the next comprehensive transportation bill for the next five year period. Staff had been contact by one member of the Congressional Delegation requesting input on projects the City of Lawrence would like considered in this legislation. Staff was seeking the Commission's direction regarding the submission of several projects related to transit and five projects related to surface transportation which were:

- Joint City and University of Kansas Transit Facility;
- Fleet Replacement of the fixed route and para-transit vehicles looking at avenues to incorporate alternative fuel element;
- Surface Transportation which included:
Bob Billings Parkway and K-10 interchange;

- Ramp and Signalization improvements to the West 6th Street and K-10 Interchange;
- Franklin Road and K-10 Intersection; and
- 31st Street Extension between Haskell Avenue and O'Connell Road.

She said the requested action of the City Commission was to provide direction to staff related to those projects and how to proceed with communicating with the Congressional Delegation.

David Corliss, City Manager, said he had a question to the Commission regarding the South Lawrence Trafficway. He said that trafficway was not included in the list and quite frankly, its price tag was beyond the earmark threshold and was also a State project with the County. He said it would be worthy of consideration perhaps on another City Commission agenda, if the Commission wanted to send a letter of support on that project would be appropriate. He said when looking at the list of priorities, he knew this City's top road priority had been, for sometime, the South Lawrence Trafficway. He said they had not always been in agreement on the alignment, but there had been, in the most recent Commissions, support for the 32B alignment. He said it was a conscience choice not to include the SLT because its price tag was beyond any City or County participation and require a new State highway program in order for the SLT to be a reality and if it was successful in meeting all its legal challenges as well.

Mayor Chestnut called for public comment.

After receiving no public comment, Mayor Chestnut said he thought the appropriate projects were listed and if the Commission wanted to take on the issue of the SLT at another time, they could.

Moved by Johnson, seconded by Amyx, to authorize the submittal of possible transit and surface transportation projects to the Congressional Delegation for possible inclusion in the next comprehensive transportation bill. Motion carried unanimously. **(30)**

Consider authorizing staff to prepare and release a Request for Proposals for a downtown to Memorial Stadium football game day shuttle service.

Jonathan Douglass, Assistant to the City Manager, said last year the City created a shuttle on football game days that traveled from downtown to Memorial Stadium. The City offered free parking in both the New Hampshire Street Garage and the Riverfront Garage and then provided a free shuttle service from two hours prior to the game until one hour after the game. The service was well received and the demand was higher than expected. He said staff was seeking authorization to organize a shuttle service for the 2009 season and suggested a \$1.00 or \$2.00 round trip fare this time, but the fee could be waived with presentation of a receipt from downtown or a key from a hotel in Lawrence. The \$1.00 or \$2.00 fare would make it a slightly more affordable service for the City to provide.

Commissioner Dever asked that Douglass define “slightly more affordable.”

Douglass said the memo ran a number of different scenarios, but it was somewhat difficult to predict. It could be assumed if the City was going to charge a fare, the demand would drop somewhat, but by how much, was hard to predict. If you had a two dollar fare for example and ridership dropped to 80% of last year and 50% of the fares were waived, the City would need to spend around \$10,000. The four scenarios laid out in the staff memo were the closest to what staff expected which ranged from \$8,000 to \$12,000.

Commissioner Johnson asked if there would be a cost to collecting the money.

Douglass said they would likely pay two City staff personnel to spend a couple of hours collecting money, but he did not know if that would be overtime costs.

Mayor Chestnut called for public comment.

Doug Holliday, Lawrence, said last year when this event took place he was all for the event, but also felt there were other parts of the City that needed to be included in this endeavor because they were all contributors to the bed taxes.

He said in his area where Bigg's BBQ was located there were more hotel rooms in that proximity than downtown which needed to be considered. Also, near the Holidome were a number of hotels. On 23rd Street near Set'em Up Jack's, there were not a lot of hotels, but a lot of parking.

He said he was also the president of the Lawrence Originals and there were 17 local restaurants in this group. He said this group had discussions and thought that all merchants could benefit from this event.

Mayor Chestnut asked if there had been any consideration of looking at logistics of other parts of town because South Iowa was one consideration.

Corliss said he talked with Holliday about that issue and if the Commission wanted to authorize staff to proceed, staff could draft a quote to select a transportation vendor and work with Holliday and others about a possible route. He said he thought it was a great benefit to the City, and would get people back and forth from the game safely and helped the neighborhoods.

Commissioner Dever said it was a great idea and including alternate bids to include one or two other collection points.

Commissioner Johnson said instead of showing receipts or keys, if there were business that wanted to help subsidize the costs of the bus service and then the businesses could give their patrons a universal card.

Commissioner Dever asked how the shuttle service was paid for last year.

Corliss said parking funds and guest tax funds and worked with the athletic department on the banner project as well. He said the City paid for some of the banners and the athletic department paid for some of the busing which was a cooperative effort. He said he would not recommend money from the general fund, but the parking fund and guest tax fund could easily absorb those costs. If the City continued to have great events at Memorial Stadium, it would draw people to this location and perhaps other locations as well.

Mayor Chestnut said if they were looking at alternate locations, it could be funded through guest tax.

Corliss said correct.

Commissioner Cromwell said last year, KU Athletics came up with a third of the total and asked if that was still in the works.

Corliss said no, KU Athletics was not planning on funding the shuttle service this year. He said he thought KU Athletics wanted to be helpful in advertising, but was not interested in participating with the cost of the service.

Vice Mayor Amyx said last year the parking garage was used as well as using the bus service.

Corliss said last year the service was free and exceeded expectations as far as ridership. He said the first game day they were had to call more buses into service than what was planned.

Commissioner Dever said it would be easier for him to make a decision if he knew what it would cost. He said he was prepared to authorize a Request for Proposal. He said the Commission could presume it was going to be the same costs or less or wait for the RFP.

Corliss said the only issue with that idea was that staff needed to let KU know for advertising purposes whether or not the City was going to provide the service. If the City was committed toward the service, but did not know whether to charge one or two dollars, KU could advertise accordingly and state there would be a modest fare.

Commissioner Dever said there were new questions introduced into this concept which was serving more than one location, preferential treatment to downtown, and including other people if spending tax dollars. He said those were real questions he did not want to ignore.

Mayor Chestnut said the Commission could authorize an RFP that had two different elements. One was an element of downtown only and the other element was one or two different locations that staff would work to negotiate, but also make a decision on what the fare

would be. He said the fare was not going to be germane to the provider because the City was paying the provider for the service and the City would collect the proceeds. He said he personally felt one or two dollars, depending on people's feeling on that amount was appropriate to charge. He said the Commission could decide on the fare and move forward with the RFP with the scope being downtown firsts and then any other appropriate locations.

Commissioner Dever said that idea was fine, if it was a modest fee, but he still did not know if the Commission should decide how much until knowing how much it would cost.

Douglass said he would speculate that KU would rather be able to say there was a shuttle running from downtown with a set fee, but staff would give KU as much information as they could and if the most information was "modest fee", he was sure KU could make due with that information.

Commissioner Cromwell said he had concerns with location. The density of shops and restaurants in the downtown area was much higher than anywhere else. He said they talked about giving downtown Lawrence preferential treatment and at the same time having shuttle service at restaurant parking lots which was great, but the City would be subsidizing KU's parking problem and that was not what he wanted the City to do. He said a receipt would help that somewhat.

Mayor Chestnut said as people came back, he asked if Corliss thought those people would give direction on what was feasible for an alternate route.

Corliss said he had not given much thought to that question, but staff could talk with transit providers and businesses that might be viable to look at another route that would help move people on game day at certain locations.

Commissioner Dever said this issue was about using the bus and whether the people were downtown. He said there were benefits beyond just moving people from downtown such as benefits from traffic control. He said there were other people who wanted to be involved and

there was nothing wrong with considering those other people. He said he did not read anywhere that the Commission had to make a decision at this time.

Corliss said a decision right now was hinged upon KU's advertising. There would be other opportunities to get the word out. They came up with this idea, July of last year and it was successful. He said they could still do this event for downtown and work with the business on something else to make that a possibility as well. He said staff would advise KU that as part of their continuing advertising information that there would be other opportunities for the bus.

Vice Mayor Amyx said that he told Holliday a year ago, that if this was going to be a project that continued, Holliday needed to be involved. He said they needed to be looking at other parts of town as potential pick up and drop off locations to the stadium.

Mayor Chestnut suggested authorizing staff to prepare and RFP for a proposal for downtown and/or other appropriate locations to Memorial Stadium for the game day shuttle and wait for the feedback to come back before looking at rate structure. He said the Commission did not need to decide the bus rate because the RFP was for the service and the City would be collecting money to offset part of the busing costs and could make that decision later. He said he would include in the RFP that there was a possibility the City would be collecting a nominal fee, but that would be the responsibility of the City.

Douglass said he agreed. He said last year there were two vendors that responded to a Request for Quotes and both vendors had a bus hour rate regardless of the fare.

Commissioner Cromwell suggested giving KU a website address to get updated information.

Moved by Amyx, seconded by Dever, to authorize staff to prepare and release a Request for Proposals for a football game day shuttle service from downtown and/or other locations to Memorial Stadium. Motion carried unanimously. **(31)**

PUBLIC COMMENT: None

FUTURE AGENDA ITEMS:

- 5/12/09
- Conduct a public hearing regarding the temporary sale, possession and consumption of alcohol on certain city property downtown in conjunction with the Tour of Lawrence bicycle event on Saturday, July 4, 2009.
- TBD
- Adopt Resolution No. 6833, adopting the Douglas County, Kansas Multi-Jurisdictional Hazard Mitigation Plan.
 - Discussion of City Commission meeting protocols.
 - Consider approving Text Amendment TA-04-03-08, to Chapter 20 of Lawrence City Code (Land Development Code) to define and permit various homeless facilities. Adopt on first reading, Ordinance No. 8300, incorporating by reference, a Text Amendment (TA-04-03-08), to Chapter 20 of Lawrence City Code (Land Development Code) to define and permit various homeless facilities. (PC Item 7; approved 7-1 on 4/22/09)
 - Adopt on first reading, Ordinance No. 8397, amending Section 4-103.1 of the City Code related to unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage.
 - Receive from City Auditor a performance audit on street lighting.
 - Receive from City Auditor a proposed annual audit work plan.
 - Adopt on second and final reading, Ordinance No. 8387, for the Rezoning (Z-2-2-09) of 1725 New Hampshire Street from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip), until such time as the contract purchaser commits to close on the purchase of the property, or September 15, 2009, whichever is sooner.

COMMISSION ITEMS: None.

Moved by Amyx, seconded by Dever, to adjourn at 10:30 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF MAY 5, 2009

1. Bid process waived – 1 jet truck for Utilities Dept form Key Equipment for \$156,575,
2. Bid – Roll-off trash containers to Roy Conley for \$\$18,006.
3. Change Orders – Kings Construction for \$18,500 for GWW - 6th to Overland – Overland to N City limits.
4. Comprehensive Rehab – 408 Yorkshire to T&J Holdings for \$19,475 and 1909 Kasold to Schmidt Contracting for \$23,950.
5. Bid Date – Kaw Water Treatment Plant for May 19, 2009.
6. Ordinance No. 8390 – 2nd Read, alcohol at Burcham Park for Patten Hill wedding rehearsal dinner.
7. Ordinance No. 8392 – 2nd Read, alcohol at Broken Arrow Park for Sertoma BBQ Cook-off , May 8 & 9.
8. Ordinance No. 8389 – 2nd Read, eminent domain, Burroughs Creek Trail.
9. Ordinance No. 8393 – 1st Read, rezone (Z-1-1-09) 4.48 acres, 725 N 2nd from IG to IL.
10. Ordinance No. 8394 – 1st Read, Special Use Permit – (SUP-2-2-09) Day Care Ctr at 1023 Highland Dr.
11. TSC – “multi-way stop” intersection of 21st Terr & Maple Ln.
12. Ordinance No. 8398 – 1st Read, TSC prohibit “no parking” S side of 10th PI between Kasold & Randall Road, along E side of Randall Rd between 10th & 10th Terr, along N side of 10th Terr between Randall & Randall.
13. TSC – “reserve parking” persons with disabilities, N side of W 22nd Terr.
14. Status Report – N 2nd & Locust project.
15. Engineering Service Agreement – Bartlett & West for Kasold, 31st to Clinton.
16. Agreement – BG Consultants for water/sewer service at Municipal Airport.
17. Neighborhood Stabilization Program – KS Dept of Commerce for 1100 Blk of Rhode Island Tenants to Homeowners.
18. 2009 First Quarter Report – Downtown Lawrence Inc.
19. Subordination Agreement – Nancy Holmes, 303 Eldridge Ln.
20. City Manager's Report.

21. Ordinance No. 8395 – 1st Read, Special Use Permit – (SUP-2-1-09), research services downtown, 647 Mass.
22. Ordinance No. 8396 – 1st Read, rezone (Z-2-3-09) 2.83 acres, SE corner of E 19th & Larnard from RS7 to RM12D.
23. Resolution No. 6836 – 2009 CDBG & HOME Programs.
24. Homeless camping proposal.
25. Utilities Dept master planning – next steps.
26. Transit & surface transportation to Congressional Delegation.
27. Request for Proposals - downtown Memorial Stadium football game shuttle service.