



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

October 27, 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:

Mayor Chestnut recognized Phil and Alex Victor for their courageous act of alerting residents to a fire at Aberdeen Apartments.

With Commission approval Mayor Chestnut proclaimed Thursday, October 29, 2009, to be "Lights on Afterschool;" and, Saturday, October 31, from 6:30 p.m. to 8:30 p.m. to be "Halloween Beggars Night."

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve City Commission minutes from 09/22/09. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to receive minutes from the Mechanical code Board of Appeals meeting of 09/03/09; Building code Board of Appeals meetings of 08/20/09 and 09/09/09; Public Health Board meeting of 08/17/09; Sustainability Advisory Board meeting of 09/09/09. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve all claims to 321 vendors in the amount of \$1,812,168.69 and payroll from October 11, 2009 to October 24, 2009 in the amount of: \$1,788,901.88. Motion carried unanimously.



As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve the Cereal Malt Beverage-On Premise license for Oread Inn, 1200 Oread Ave. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever** to approve the appointment of Dennis Christilles to a Sister Cities Advisory Board position that expires 12/31/10 and the appointment of Megan Poindexter to a Sustainability Advisory Board position that expires on 12/31/10. Motion carried unanimously

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve the purchase of 1007 green tags (renewable energy certificates) from Bonneville Environmental foundation of \$8,559.50. Motion carried unanimously. (1)

Ordinance No. 8469, authorizing the possession and consumption of alcoholic beverages on Saturday, November 21, 2009 at the Lawrence Public Library from 7:00 p.m. to 10:00 p.m. as part of the Lawrence Public Library Foundation fundraiser, was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Diver**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (2)

Ordinance No. 8470, granting a fifty-five percent (55%) tax abatement for Amarr Garage Doors, beginning January 1, 2010, was read a second time. As part of the consent agenda, **it was moved by** to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve Comprehensive Plan Amendment, CPA-6-3-09, to Chapter 3 to remove the "Table of Land Use Categories & Locational Criteria;" and adopt on first reading, Ordinance No. 8463, for Comprehensive Plan Amendment (CPA-6-3-09), to Chapter 3 to remove the "Table of Land Use Categories & Locational Criteria." Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever, to approve Comprehensive Plan Amendment, CPA-6-4-09, to renumber the Implementation Chapter to be 17 and reserve Chapter 13 for future use; and adopt on first reading, Ordinance No. 8464, for Comprehensive Plan Amendment (CPA-6-4-09), to renumber the Implementation Chapter to be 17 and reserve Chapter 13 for future use.** Motion carried unanimously.

(5)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever to receive memorandum from the Sustainability Advisory Board concerning soils and land use planning.** Motion carried unanimously.

(6)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss, City Manager said the Parks & Recreation Department completed a roof replacement on the historic Union Pacific Depot; Energy Efficiency and Conservation Block Grant funds in the amount of \$858,600 would be used for the Sustainability Coordinator position, HVAC and lighting upgrades to the Lawrence Public Library, and LED lights along Massachusetts Street; and, eight members of the Fire/Medical Department were honored at the Kansas State Fire Chiefs Conference for their courageous efforts in rescuing a 14-year-old from the Kansas River. Honored were Captain Sandy Herd (retired), and Firefighters Kevin Fussell, Troy Gourley, Will Hallagin, Ryan Kelly, Leo Leiker, Greg Murray, and Mark Parker.

(7)

REGULAR AGENDA

Commission discussion and direction on Downtown issues, including regulations for panhandling, downtown planning and redevelopment, marketing and incentives for retail establishments and related issues

David Corliss, City Manager, said there were a number of additional issues resulting from the meeting with Downtown Lawrence and staff would like direction from the Commission on items to further study and to seek input from community members to proceed.

The City currently had a panhandling ordinance that dealt with aggressive conduct. Last December, the Commission discussed changes to that ordinance regarding some of the legal issues. Obviously, in legal situations, staff needed to look for guidance in court decisions as staff interpreted government's powers to regulate in this area and first amendment protections were among the legal issues that need to be discussed. The ordinance was not drafted for adoption because extensive legal research needed to be done on any changes.

Among items discussed were: encouragement of retail establishments in the downtown area; encouragement of redevelopment projects; and, a discussion about a city board being more overarching regarding downtown than some of the existing advisory boards.

Scott Miller, Staff Attorney, said the City Commission considered Ordinance No. 8362 last year. The ordinance reflected the Commission's direction, at that time, and made three changes to the existing law. Those changes were to:

1. Ban panhandling during the time between sunset and sunrise;
2. Ban panhandling or verbally soliciting for money in the downtown area at any time in a designated downtown area; and,
3. Regulate, but not ban, passive panhandling by keeping it away from doors of businesses and outdoor dining areas in the downtown area.

Mayor Chestnut said there had been discussion regarding an incubator program for new retail businesses downtown; and recognizing a change in balance downtown the Commission wanted to address and mitigate that balance or at least, use some type of incubator system to provide some subsidization for a period of time for rent which was a significant public policy issue.

One other issue was the lack of smaller spaces available.

He said in looking at the City's pull factors in comparison to peer communities, the City was 20% lower than the average of the 25 largest communities in the State of Kansas, which

represented 2/3 of retail spending. He said concerted effort was needed toward retail in the community for economic development purposes.

There had been several text amendment regarding lowering development costs, especially for independent retailers because space was expensive along with other costs. He said he suggested the City Commission direct staff to call out some of those ideas on possible resources for a citywide retail economic development effort, studying some of the development code obstacles in trying to create a vision for downtown.

Commissioner Cromwell said he agreed there was a retail issue in Lawrence. Many people in the community traveled to Kansas City for purchases and the City was losing sales tax dollars.

Also, he concurred with the idea of an incubator, especially in the downtown area. He said he suggested the idea of splitting up space, creating smaller square footage areas for establishing specialty shops to make it on their own. Lawrence needed people to visit from outside the community to spend sales tax dollars and a good mix of retail was important.

Vice Mayor Amyx said history revealed this community took great effort in downtown hours of operation not ending up as 8 am – 5 pm. He said there was space available downtown that was under utilized such as the air space above parking lots. He said smaller retail usage space was needed downtown. He said a group discussion was needed to study ideas for retail space in this community.

Commissioner Dever said an overall vision was needed and it was the City Commission's responsibility to put together a group that understood the downtown area. The community relied on market forces and developers in how the community developed. There was a need to explore extraordinary ideas such as air space because of the lack of area to grow geographically.

He said he liked the idea of streamlining the administrative approval and making changes rapidly. The costs associated with owning real estate downtown were real to the

owner. The market force (supply/demand) forced the costs to rent downtown to be higher than it might be otherwise for a new business which placed that business on the fringe of failure quicker and might be some of the cause of turnover.

The City needed to be ready when the economy picks up whether using tax incentives or low cost financing. The community relied on leaders to take charge and put together a task force to ensure downtown development. He said the task force needed to discuss what was impeding the downtown growth such as cleanliness and panhandling.

Commissioner Johnson said the driving factor of success for downtown was through people, retail businesses, offices, safety and cleanliness. He said he agreed the City Commission should not just focus on downtown and forget about the rest of the community.

The incubator idea was proactive and an encouraging idea in helping regulate development and entrepreneurship.

He said a task force advisory board was a good direction to move because Downtown Lawrence Inc. had limited members, where a task force could include, Police, Chamber of Commerce, City Commission and City Staff and something could naturally develop out of a task force.

Mayor Chestnut called for public comment.

Dan Hughes, downtown retailer for 38 years and employing over 20 people, chose to locate their business in Lawrence because downtown was the heart of this City. Other communities were trying to replicate Lawrence's downtown area.

He said he supported the idea of a task force in developing a vision. Although, sometimes a vision meant saying "no", if wanting a mixture of restaurant and retail serviced for 24 hours and there happened to be a plethora of restaurants.

As a retailer, he was a bleeding heart liberal and there was a homeless situation in Lawrence that needed to be addressed. He said he was present last year when the City Commission discussed aggressive panhandling, and would argue that in the last year, it had

gotten worse. He said he saw this situation as two separate groups, the homeless and then a bunch of vagrants who had chosen to sit on the streets because it was easier asking for money. He said his customers were turned off by that act, and would not come back.

Again, he applauded a vision to decide where the community wanted to be in the future. He said he encouraged the City Commission to focus on the fundamentals.

Justin Temple, IAFF local secretary and MDA chairperson, said he was speaking on panhandling issue because their fundraising fell underneath the umbrella of the ordinance of aggressive panhandling, but in no way they were aggressive. Nationally, the IAFF had been a leading supporter of MDA since 1954. He said this year alone, in really bad economic times, the IAFF raised a record 28.5 million dollars nationally, and locally, they had an outstanding year. He said he hoped that any discussion regarding panhandling took into account all the local fundraisers and the community fundraising groups. It taking away Downtown alone, that part of their fundraising equated to approximately 17% of the money raised this year. He said they had never received any complaints and greeted everyone with a smile along with looking forward to meeting the community during fundraising. He said taking away their opportunity to participate downtown removed a large amount of their fundraising opportunities.

Peter Zacharias, downtown business owner and property owner for 40 years in the downtown area, said the task force was a good idea. The greater emphasis on downtown issues was something that needed to be addressed now.

He said he was concerned about the remission of code requirements because everyone who wanted a variance in the code was a restaurant wanting relief from the grease trap. He said he did not see many restrictions against stores, but perhaps if it could be done and fine tune, it would be valuable.

He said he also thought immediate relief from panhandling was needed. He said earlier in the day, two ladies from Johnson County were accosted by a panhandler, when those ladies did not give the panhandler any money. He said the ladies ran into his store and sought refuge

and waited for the police. The police arrived too late and those ladies stated they were going back to Johnson County and would never come back. He said the downtown merchants faced this type of panhandling on a daily basis. He said he suggested staging plain clothed police men and women downtown to catch those aggressive panhandling. He said banning panhandling downtown would be a great benefit and certainly some exemptions could be made for charitable organizations and genuine musicians.

Charles Epp, instructor of KU Public Administration (law component), said what was being proposed was somehow distinguishing between types of solicitations for funds downtown. Some solicitation was legitimate and could be accepted and some illegitimate and must be controlled which was inconsistent with the constitution and recommended that as a primary step in the City Commission's consideration of this issue, was to receive legal advice from the City attorneys on this issue. It was quite clear from a line of decisions that cities might not make that type of distinction. Cities might ban solicitation funds across the board which included panhandling as well as other charitable solicitations or ban selectively based on particular times and places. The City could do more than what was done presently consistent with the law and past court decisions. The question was to ask whether Lawrence should, as a matter of policy, push this policy on this question to the fullest extent to what was presently possible under constitutional law. He said would the City as a university town, in which free speech was celebrated in all types of ways, want to restrict solicitations to the fullest extent possible, but it would be the wrong thing to do and inconsistent with this community's character.

Zacharias said they had looked at other cities and other cities were able to pass comprehensive bans, most notably Fayetteville, North Carolina and Fort Worth, Texas. Lawrence, Kansas was not the first town to consider this ban, but it needed to be structured properly and other towns were able to ban panhandling.

Mayor Chestnut said he would guarantee the Commission would receive very good legal advice and anything that was constructed would be constructed to what the City believed was constitutional perimeters.

Vice Mayor Amyx said Epp brought up very important points and the Commission would seek legal council. It might be under constitutional law an appropriate form of speech to ask someone for money, but asked if it was an appropriate behavior downtown.

Epp said the community could choose to enforce such a ban, but if doing so, the City needed to prohibit all other types of solicitation downtown because it would be required by constitution and prior precedent was quite clear. He said he was not sure, but it might prohibit things like the Busker Festival and other forms of charitable solicitations downtown. It was possible, but asked if the City wanted to prohibit all solicitation.

Vice Mayor Amyx asked if solicitation could be regulated by a permit.

Epp said he thought solicitation could be regulated by permit, but the question was if the City wanted to require everyone that engaged in some type of charitable solicitation downtown, to have a permit.

Commissioner Cromwell said this was a question the Commission would address to its legal staff.

Mayor Chestnut said this agenda item was to take comment and whatever was taken away from this meeting, that information would go to legal council and legal council would construct an ordinance that staff believed was within constitutional limits, based on City Commission direction.

Epp asked if the City Commission wanted to push it to the utmost limits to what could be achieved and be the bad guy city that was poster boy of pushing the law at the national level. He asked if a university town wanted to play that type of leadership role.

Mayor Chestnut said it was a policy issue the City Commission needed to discuss.

Bill Fleming, general counsel at Treanor Architects, said he was not representing Treanor Architects, but had been involved in representing developers. He said this community had a wonderful downtown and attracted people to live in Lawrence.

He said the issues were parking and residential development. The catch 22, the developer had in the City was that in the downtown zoning district, did not need to provide off-street parking, but the City did not need to provide parking either. Any solution for downtown development should involve parking and how to pay for parking.

He said as the downtown was developed, he suggested looking at cities that had a strong residential component in the downtown area because those cities were generally more successful. He said for example, Treanor Architects were doing a project in Atchison, Kansas, and they had a Neighborhood Revitalization Program where a partial abatement of real estate taxes was given for a period of time, to build residential housing.

Christine Bailey, downtown business owner, said when she first opened her store she had panhandlers out in front and asked the panhandlers to leave or she would call the police which worked well. Last spring, she had a woman come into her store from Cincinnati, Ohio, who was very upset about the amount of panhandlers in the downtown area. In spring of 2002, there were a couple of people setting up a bar next to the dumpster that were surrounded by nice brick. This summer she was called on a Saturday morning by an employee who received several complaints from people coming to her store because there was a woman with two children out front begging for money. People wondered why social services were not involved and suggested SRS send a patrol around for this type of situation. She said there were virtually no benches available on a daily basis and there were people with signs asking for money.

She said she liked the idea of a task force and thought the City should ban all types of solicitation except by license and the license should be free.

Michael Tanner, Lawrence resident, said he did not believe in aggressively taking money from people. He said to all retailers, as a street vendor, he apologized and thought this was a

wonderful city. He said he had aggressive panhandlers try to kick him out of his spot very aggressively where he had to call police officers and commended those police officers for doing a great job. He said the Lawrence police department did a great job of controlling aggressive panhandlers or anyone for that matter. He said he appreciated the right to practice free trade on Massachusetts Street. He said aggressive panhandling should not be tolerated, but at the same time non-aggressive behavior should be tolerated.

Bob Schumm said he had been a downtown business owner since 1970. He said he liked what was mentioned at this meeting because there were a lot of strong and great statements made, but especially liked the attitude the Commission was taking about the downtown area.

There were a number of people that had a substantial underlying investment in downtown and he was investing more daily as each day went by. He said the City had a tremendous investment in downtown, but downtown was at risk because of the change seen in the fabric of downtown between retail and night events. Interesting enough, Vice Mayor Amyx, brought up the time when downtown business hours were not 8:00 am to 5:00 pm. The idea, at that time, was to extend evening hours with an entertainment industry and were very successful.

He said he liked the idea of an incubator system and having an advisory board status that would give that group political will. The board could consist of a very broad cross section of people who had a love for downtown as well as the rest of the City. He said things come and go, but those things needed to be addressed immediately and action or policy taken. He said with this panhandling issue, it had been discussed for more than 5 years and more like 10 years and nothing had changed except it was getting worse.

KT Walsh, Lawrence resident near the downtown area, said she supported Hughes and the City's ability to say "no." Many citizens who were present attended the sessions when Placemakers that spoke about retail stated that many people stated "no" when the mix was off balance.

She said downtown was surrounded by wonderful neighborhoods and when she heard the comment about extending the footprint of downtown because every 10 years that idea came up. She said she hoped someone from all parts of the City would be part of the task force so that the community would be represented.

Jane Pennington, Director of Downtown Lawrence, Inc., said she supported the idea of a task force to deal with those issues. She said she also thought the incubator idea had tremendous merit and could go a long way in helping balance the mix of retail to entertainment, but first needed to address basic issues like the panhandling, cleanliness, and the perception of lack of safety. She said she encouraged the City Commission to keep those issues at top of mind when trying to develop the vision for downtown.

Judy Billings, Director of the Lawrence Convention and Visitors Bureau, said she had been promoting Lawrence for 30 years. She said several guests from out of town were concerned about Lawrence's downtown. She said it was cleanliness and safety and the City was spending a lot of money trying to attract people to come downtown. She said they wanted to be sure that guests were safe and in an environment that they enjoy and want to spend their money.

Justin Witt, Lawrence resident, said a year ago, adding more foot patrols was discussed for the downtown area and he had not seen those additional patrols. He asked about the progress because although he saw plenty of police cars going up and down Massachusetts Street, he did not see the police on foot.

A few weeks ago there were 6 people sitting on the sidewalk drinking wine out of a bag and if there was a foot patrol present downtown, those types of issues would not be happening because it seemed to discourage that type of behavior. He said there was somewhat a sense of lack of enforcement, downtown especially in the evening hours. He said he wondered about the progress of foot patrols downtown.

Tanner said he notice an increase in foot patrols last summer and commended the Lawrence Police Department for keeping Lawrence safe.

Elise Higgins, Lawrence resident, said she appreciated the concern regarding panhandling and making people feel unsafe, but people who were asked for money did have the option and responsibility of saying “no” and continuing walking. She said she was concerned about actual threats to safety including abuse in relationships which could be handled by the disorderly conduct law. She said she was also concerned that an overall ban on aggressive panhandling would not be narrowly tailored to service a specific government purpose like laws that prohibited disorderly conduct. She said the focus of safety downtown needed to be more on instances of alcohol abuse and physical violence rather than panhandling.

Mayor Chestnut said just saying “no” was not as easy for a young person. One thing he noticed was that he was not approached by panhandlers, very often, because he was 6 foot tall, weighed 185 pounds, and walked fast, but found that his children, under the age of 14, were exposed to panhandling as well as the elderly. He said there was clearly an issue of targeting for panhandlers.

He said he did not know if the City should eliminate panhandling in the City, but thought it was ironic to discuss respectfulness of first amendment rights and with property owners downtown, that had legitimate zoning and owned property for awhile, could only do certain things as far as fulfilling the ability. He said this was a balance of rights of free speech, property owners, safety of the general public, and all had to be incorporated. He said the City Commission had to honor the constitution, try to arrive at a law that was appropriate, and could not just consider one person’s sets of rights, but consider all the stakeholders. He said if the Commission did not want to prosecute and did not take into consideration, property owners rights as well, then the Commission failed in their responsibilities.

He said one thing that came into mind was to consult with law enforcement. He said that was a shade of grey on what was allowed and what was not allowed and law enforcement was forces with an interpretation such as what was considered aggressive and what was not. He said the Commission needed to move in a more aggressive direction as far as an ordinance, but it was important to get law enforcement involved because as much as they think might be constitutionally legal, the Commission also needed to know what would allow the police to provide better safety for citizens and have something to enforce. He said plain clothes might be a good idea, but needed law enforcement input. He said it was time to take another step forward because they had seen the issue get progressively worse in the two and half years he had been on the Commission. He respected everyone's right to be downtown and the constitutional issues that stated the difference could not be split. He said they needed to proactively help the mix downtown and would like to do that more by incentive than restriction.

Vice Mayor Amyx said the problem continued to grow and believed aggressive panhandling was an inappropriate activity downtown. He said there was a way of writing an ordinance, but the ordinance needed enforcement.

He said he wanted to figure out a way for more police foot patrol in the downtown area immediately. He said staff needed to work on an ordinance that would take care of panhandling, even if it took handling it by permit.

Commissioner Cromwell said Lawrence had a fantastic and safe downtown. The City had increased their foot patrols within the last few months and was important to remember the sky had not fallen and did not want to scare people from downtown. He said he considered it as his job as a leader to plan for the vision and maintain what they had and hope to grow even better.

He said the incubator was a good idea and a task force was important to help keep the City Commission focused on that long-term vision.

He said he had witnessed panhandling and it had gotten much worse even after an ordinance was passed prohibiting this aggressive panhandling. He said he did not know if it was a combination of the economy and whether Lawrence had a reputation of being a very generous City, but something needed to be done about panhandling quickly.

He said staff needed to research right-of-way and how far the City could go with a panhandling ordinance that would be in the bounds of constitutional law. He said it was the City Commission's role in helping to identify what was possible because there was a definite need to protect downtown businesses.

He said regarding "just saying no", it was important to develop an educational program throughout the City which identified the various social service agencies that did a wonderful job with very little. Lawrence citizens' dollars should not be going into a bucket downtown because the most good would be if someone could take that same money and donate it to a social service group. He said the City needed to look at instigating an educational program with the University of Kansas because it was a fact that college kids and couples were the most frequent givers.

He said plain clothed police patrol on the streets was needed on Massachusetts Street. He said there was costs involved with any of those activities, but there were also costs in not taking action downtown.

He said he was at the farmers market and literally tripped over someone who was sitting and blocking the sidewalk which was another issue that needed to be addressed. He said that person was creating a bottleneck in order to steer customers his way for his unregulated commerce that he was engaged in.

David Corliss, City Manager, said there was already an ordinance addressing that issue.

Cromwell said he was not aware of that ordinance and would have mentioned that ordinance to that person. He said a little bit of education went a long way and it was the duty of

the community, shop owners in particular, who witness unlawful activity and report that activity to the police. He said that was a great step in resolving current issues.

Commissioner Dever said as far as positive impacts downtown, the Commission should authorize staff to draft some language that would put together a task force and focus on an idea or end goal for this advisory board. He said the goal needed to be related to envisioning, planning, incubation and coming up with ideas for incentivizing business to locate in Lawrence Kansas, overall. He said the board could also come up with refurbishing funds to improve exterior of their building and overall beautification of downtown and cleanup.

He said as far as panhandling, last year he was emphatic about rules needing to be enforced and he was not a fan of writing additional laws, if he did not believe the City was enforcing the present laws. He said the City had brought on new police officers and staff had done a good job of stepping up enforcement, but more needed to be done with increased presence and would help some of those problems. He said panhandling was getting worse and the City Commission needed to fix the problem.

Commissioner Johnson said he agreed with Commissioner Dever regarding the task force. He said regarding the panhandling, he said it was time to address this issue with the legal department and police force. He said he was in support in trying to find ways to make this situation better.

Mayor Chestnut said the Commission did not have a consensus on any new ordinances, but there were three Commissioners that expressed entertaining an ordinance that would look at some type of complete ban with associated licensing for entertainers as well as charitable.

Commissioner Cromwell suggested asking staff to look at ways of tightening the City's panhandling situation downtown through an ordinance up to a complete ban and backed off to where the City thought they were going beyond.

Mayor Chestnut said the Commission wanted to direct staff to research that type of ordinance. He said he also suggested taking into consideration the ordinance that was crafted

last year as another option. Once receiving information about other communities, the Commission could look at the pitfalls to get a sense of direction.

He said there seemed to be a consensus on developing some type of advisory board task force and coming up with a concept of what that group would comprises of and would probably be a combination of folks around the community. He said there was also support for an incubator concept he said he was sensitive to that concept because it was a public policy issue.

He said he did not know about tax incentives because those would be for large projects.

He said in discussing this issue, he suggested discussing the library as well as part of the discussion because the library was an important asset of downtown. .

Vice Mayor Amyx said he would like a strong ordinance, but asked about the idea of visiting with the City Manager and Police Chief about more police presence downtown.

David Corliss, City Manager, said he discussed those issues with the Police Chief and staff would get those costs, but there was also a benefit that went along with those costs. He said the costs would be primarily overtime or moving some officers over from other tasks.

Commissioner Cromwell said he would like to see the current ordinances that related to this subject of panhandling.

Mayor Chestnut said he would give the City Manager direction to dialogue with Downtown Lawrence Inc., and The Convention and Visitors Bureau to highlight what was coming up on the agenda. He said panhandling would probably be its own agenda item. (8)

Consider authorizing City participation in US-40 and K-10 Interchange Management Plan with Kansas Department of Transportation, Douglas County and Lawrence-Douglas County Metropolitan Planning Organization.

David Corliss, City Manager, said Staff met with representatives from KDOT which generated this letter and believed it was appropriate to proceed and understood the County was likely to proceed as well. The intersection of 6th Street (US 40 & K10) was not currently in the

city limits. The City's boundaries were to the East and were aware this intersection was very important to many of our Lawrence residents in commuting to their jobs.

Staff was receiving inquiries, on occasion, about development west on 6th Street. He said this was not a design agreement and would not get something to bid, but something of value to the City of Lawrence and Douglas County.

Chuck Soules, Public Works Director, said staff would work closely with KDOT engineering and planning staff to make sure the interest of the city was protected.

Commissioner Dever asked about the Lawrence/Douglas County MPO funding, how it worked and where those funds came from exactly, because they had an 11% share as well.

Scott McCullough, Development Services Director, said the MPO was a separate organization and was funded separately from City and County. The MPO received federal funds with 80/20 percent match through the City of Lawrence. Staff was still in discussions with the entities about next year's funding. The MPO would see that soon in an upcoming meeting.

Commissioner Diver said the funds needed to be redone so the City knew exactly what it was paying for.

Corliss said he appreciated that KDOT wanted to look at this intersection. KDOT had limited resources as well and did know about the current intersection needs. He said KDOT wanted a master plan as to how to deal with that intersection and its environs as the community continued to grow.

McCullough said in the letter, KDOT reminded the City that this type of plan made the City eligible for Corridor Management Funds for the future.

Vice Mayor Amyx said when seeing development happen across the western part of that interchange, there would be a need for improvement along that management planned corridor which needed City Commission input.

Mayor Chestnut called for public comment.

After receiving no public comment, it was **moved by Cromwell, seconded by Amyx**, to authorize City participation in US-40 and K-10 Interchange Management Plan. Motion carried unanimously. (9)

PUBLIC COMMENT: None.

FUTURE AGENDA ITEMS:

- | | |
|----------|--|
| 11/03/09 | <ul style="list-style-type: none">· 2009 City employee longevity payments· Third Quarter Report and 2009 City budget status report· Kasold, south of Clinton Parkway, Project discussion.· Carnegie building rehabilitation bid date. |
| 11/17/09 | <ul style="list-style-type: none">· ICS Training. |
| TBD | <ul style="list-style-type: none">· Discussion of financing methods for traffic calming devices.· Fairfield East maximum special assessment hearing· Recycling report with comments from SAB· Consider a request from the Oread Neighborhood Association to enact a moratorium that would prohibit permitting Boarding Houses in the City of Lawrence while a text amendment to the Land Development Code to revise standards pertaining to Boarding Houses is processed.· Staff report regarding potential annexation of Westar Energy Center.· Conduct public hearing and consider approving Site Plan SP-6-26-09, and the sidewalk dining and hospitality license, for the Granada, located 1020 Massachusetts Street. Submitted by Paul Werner Architects for Granada LLC., property owner of record. |

ACTIONS: Hold a public hearing. Find that the proposed sidewalk dining and hospitality use is in the public's interest, if appropriate.

Approve Site Plan SP-6-26-09, for a sidewalk dining and hospitality area for Mike Logan, Granada LLC, d/b/a The Granada, 1020 Massachusetts Street (submitted by Paul Werner for Granada LLC, property owner of record), if appropriate.

Approve sidewalk dining and hospitality license for The Granada, 1020 Massachusetts Street, and authorize the City Manager to enter into a right-of-

way agreement with the applicant, if appropriate.

Adopt on first reading, Ordinance No. 8459, allowing possession and consumption of alcoholic beverages on certain city property pursuant to The Granada Sidewalk Dining and Hospitality License, if appropriate.

COMMISSION ITEMS:

Moved by Dever, seconded by Cromwell, to adjourn at 8:31 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan Douglass, City Clerk

CITY COMMISSION MEETING OF OCTOBER 27, 2009

1. Purchase green tags - Bonneville Environmental Foundation for \$8,559.50
2. Ordinance No. 8469 – 2nd Read - Alcoholic beverages, Nov. 21, Lawrence Public Library Foundation fundraiser.
3. Ordinance No. 8470 – 2nd Read - 55% tax abatement for Amarr Garage Doors, beginning January 1, 2010
4. Ordinance No. 8463 – 1st Read, CPA-6-3-09, “Table of Land Use Categories & Locational Criteria.”
5. Ordinance No. 8464 – 1st Read, CPA-6-4-09 - Renumber the Implementation Chapter to be 17 and reserve Chapter 13 for future use.
6. Memorandum from Sustainability Advisory Board concerning soils and land use planning.
7. City Manager’s Report.
8. Downtown panhandling regs
9. City participation in US-40 and K-10 Interchange Management Plan.