



City of Lawrence

DAVID L. CORLISS
CITY MANAGER

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

6 East 6th St
785-832-3000
FAX 785-832-3405

CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

February 23, 2010

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.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to receive the minutes from the Lawrence-Douglas County Bicycle Advisory Committee meeting of January 19, 2010; The Community Commission on Homelessness meeting of January 12, 2010; The Community Development Advisory Committee meetings of January 14 and January 28, 2010; The Sales Tax Audit Committee meeting of December 10, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to approve claims to 284 vendors in the amount of \$1,491,048.62. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to approve the Drinking Establishment Licenses for El Mezcal Mexican Restaurant II, 804 Iowa; Johnny's Tavern West, 721 Wakarusa; Dempsey's Irish Pub, 623 Vermont; Class A Club License for Columbus Club Assoc. 2206 East 23rd; the CMB Licenses for Pick N Pay, 2447 West 6th; Alvamar Orchards, 3000 Bob Billings Parkway; and, the Temporary Liquor License for Bishop Seabury Academy, 4120 Clinton Parkway. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to concur with the recommendation of the Mayor and appoint Joshua Mahoney to the Board of



Zoning Appeals/Sign Code Board of Appeals to a position that expires September 30, 2012; appoint Dr. Greg Schnose to the Hospital Board to a position that expires September 30, 2010; and, appoint Maley Wilkins to the Lawrence-Douglas County Public Health Board to a position that will expire March 31, 2013.

Ordinance No. 8491, regulating the licensing and operation of pedicabs within the City of Lawrence was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (1)

Ordinance No. 8489, for rezoning (Z-12/30/09) of approximately 8.71 acres from RS7 (Single-Dwelling Residential) to RMO (Multi-Dwelling Residential-Office), located at 3312 Calvin Drive was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (2)

Ordinance No. 8490, for rezoning (Z-11-20-09) of approximately 2.98 acres from U (Urban Reserve) to CO (Office Commercial), located at 525 Wakarusa Drive was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, 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 Cromwell**, to grant approval to proceed with Development Code applications for the proposed Bowersock Hydroelectric Plant on the north side of the Kansas River. Motion carried unanimously. (4)

REGULAR AGENDA

Receive letter from Bert Nash Community Mental Health Center regarding program cuts and consider authorizing the City Manager to amend the contract to reflect three homeless outreach workers.

Margene Swarts, Assistant Director of Planning and Development Services, said at the January 26, 2010 City Commission meeting, a request was deferred from Bert Nash to change their contract and reduce the number of case managers from 4 to 3. A letter was presented to the City Commission from the Salvation Army, Lawrence Community Shelter, and Ekan, requesting that it be deferred and allowing time for conversations and meetings to discuss that issue. Subsequently, Bert Nash met with those individuals and talked about the issues with case management.

She said with some fine tuning of the program and some adjustments to the current practices, Bert Nash would not need to lay off any of their employees and could take care of their employees in another way. Bert Nash was going to use 3 full-time case managers for the program, but they also had a path worker who was paid from another fund that would work toward the case management as well.

One of the items discussed, was initially it was outreach for homeless individuals who were not eligible for services elsewhere with a goal of helping to assist them with permanent housing. It was determined that the outreach factor was not as important as case management.

In addition, there would be better efforts to not duplicate the services of other providers and utilize and coordinate those efforts and utilize the expertise of the Bert Center staff who worked with people with mental health and substance approved problems.

The group came to a consensus that the issue she noted could be handled with the 3 case managers, plus the path worker. On February 9th, the Community Commission on Homelessness, CCH considered that proposal and heard a presentation from the Bert Nash Center and voted unanimously to support the decision to allow that change from 4 to 3.

Mayor Chestnut called for public comment.

Hubbard Collinsworth asked about possible additional funding question because they had not received an answer. He said he knew the City contributed funding, but learned lately that there was additional funding that was used to support the Community Outreach Workers

and asked if there was anyway to modify that funding stream to draw from other sources from the City or County.

David Corliss, City Manager, said he could not speak to funding from the County, but from the City, they were budgeted on the \$164,000 and did not have any plans to change that amount, unless the City Commission gave him otherwise. He said that number had been the same for a couple of years and reduced the number at one point when the City had to reduce all of their outside agency funding. He said staff recommended maintaining that funding because it looked like they could accomplish most, if not all the program goals.

Vice Mayor Amyx said their goal was to take into consideration the recommendations from the CCH and he supported their recommendation. He said he thought the recommended funding was fine at that level. He said everyone would like to have more, but there was no chance at this point.

Mayor Chestnut said it was a real challenge because the information that was received by Bert Nash, they were being hit significantly from State and Federal sources. He said it was an important program and they were stretching a lot of resources, but able to continue to provide that service.

Moved by Dever, seconded by Cromwell, to authorize the City Manager to amend the contract with Bert Nash Community Mental Health Center to reflect three homeless outreach workers. Motion carried unanimously. (5)

Consider adopting on first reading Ordinance No. 8493, for extending the time period for a Special Use Permit (SUP-10-10-09) for Lawrence Community Shelter, located at 214 W. 10th Street/ 944 Kentucky Street. Submitted by Lawrence Community Shelter, for James Dunn, property owner of record.

Sandra Day, Planner, presented the staff report. She said a Special Use Permit for the Lawrence Community Shelter was considered at the January Planning Commission meeting. The property was located at the corner of 10th and Kentucky and had a variety of land uses surrounding that property which included residential, office, churches, and the parking lot. There

were several recommendations that were associated with this application which included limiting the time frame for the use, for a period of two years, and limiting the overnight occupancy as seen previously. Also, to have the status reports on the funding provided back to the City Commission for good communication coming from the applicant about where they were progressing with their plans. The intent was to provide as much information and communication back and forth and try to limit some of the process that was associated with multiple trips to various boards and commissions.

Also received was a valid protest petition from property owners in which they were required to have a minimum of 20 percent to meet the test of valid protest and 22.01 percent was received.

The City Commissions action was to consider approval and asked the Commission to note that with a valid protest required a minimum of four votes. Staff also met with the applicant to discuss the management plan and had copies of both the Management Plan for the current facility as well as for the proposed facility on Franklin Park Circle. Staff asked the applicant to be prepared to talk to the City Commission about some of the changes they made to their current facility in response to various issues that had been going through the review process as staff had been looking at multiple sites for the applicant.

Vice Mayor Amyx said regarding condition number one for the extension of the special use permit for Lawrence Community Shelter which stated, "Extension of Special Use Permit request is granted subject to City Commission approval of a Special Use Permit for a new LCS Shelter location." He said if the City Commission did not approve the new location, prior to the April date for the current location, he would ask if the current site needed to be closed.

Scott McCullough, Planning and Development Services Director, said Planning Commissioner Finkeldei had the same question and they talked briefly about the opinion that there would be some options available to the Shelter to request an extension. He said to keep in mind that some of this was challenging because information had been changing quickly over

the last few months as the Shelter and staff had taken the direction from the City Commission to work on a relocation site and that moved from 23rd Street to Franklin Park. He said staff had to separate this request and the special use permit request at Franklin Business Park, knowing and understanding that they were linked at this time. If they did not have the special use permit request going to the Planning Commission in March, staff's recommendation might be different to the Planning Commission and ultimately to the City Commission. It might not come with recommendation of approval. He said staff understood the context was that the Shelter had three years to work on relocating and come back with an update with a serious plan to relocate. Staff had tried to frame the conditions, assuming the relocation was feasible and possible, but also understood that since they had to separate those out, the City was now in the position that if there was not an approval of a new location before this expired, then technically it would expire unless there was some action taken to extend or review the then current information and make decisions about the current site.

Vice Mayor Amyx said he had a concern about having this issue apart from considering the new location, but the truth was those decisions were one in the same. If the City was going to decide the new location, they needed to determine the amount of time for the current facility to operate.

Commissioner Dever said it might impact how the City Commission voted, knowing the approval of a new location or the existing location was contingent upon the new location.

Vice Mayor Amyx said the City Commission needed to make some type of decision on the current location. He said there were a number of scenarios that could take place by voting on the new location with this particular condition.

Mayor Chestnut said he thought Vice Mayor Amyx was questioning the timing of considering this item. He said by extending the special use permit, they were actually looking at a new SUP for the existing location for a two year period. He asked if the approval of an extension needed to be made now, or keep that condition.

Mayor Chestnut asked about the timing of the consideration of the new site.

McCullough said the planning commission is on March 22nd and City Commission on April 6th.

Mayor Chestnut asked about the date for the actual expiration.

McCullough said mid April.

Mayor Chestnut said it would be appropriate to vet this issue out, take public comment, and talk through any concerns the City Commission had about the recommendation from the Planning Commission on the timeline or any other issues. It would appear there was no consensus and would take a super-majority vote, based on the protest position. He said he did not think this item needed to go back before the Planning Commission.

Vice Mayor Amyx concurred not to send this item back to the Planning Commission.

Mayor Chestnut said if it was a matter of needing to modify some of the conditions of the SUP for the extension, the SUP would then be placed back on the agenda, the same night the City Commission was hearing about the new location.

He said the City Commission should move forward and talk through the issues. He said from a process standpoint, if this SUP did not receive a 4 vote majority and modification needed to take place, he asked about the process.

McCullough said depending on the modifications, it could be done at the City Commission level with 4 votes, if different from the Planning Commission's recommendation. He said either way 4 votes were needed.

Mayor Chestnut said if there were some fairly sizable modifications to the recommendations from the Planning Commission to try to get a consensus around that idea and not take action until the entire issue came up the next time.

McCullough said that could be done at the March Planning Commission, if the changes were significant enough for the Planning Commission to weigh in.

Vice Mayor Amyx said he would not recommend sending it back to the Planning Commission.

Mayor Chestnut called for public comment.

Loring Henderson, Lawrence Community Shelter, said this application and presentation was a positive time for the Shelter and the City, even though there had been much press coverage of various sites during the three years of the SUP coming to an end, hopefully they had identified a site that finally represented a reality for relocation.

The two years of the application under consideration was chosen to give a safe amount of time to raise the funds and do the renovations while reporting fundraising and construction progress quarterly to the City as required by the Planning Commission's resolution.

During the public process associated with LCS's consideration of the Don's Steakhouse location, they made changes to the LCS management plan based on public comments. He said regarding the current neighbors concerns, implemented some of those comments heard centered around Don's Steakhouse to the management plan for the current site at 10th and Kentucky, such as reducing the number of days a person could stay at the Shelter from 120 days to 90 days if they were only enrolled in the short-term program or not returning alcohol in the morning to someone who voluntarily turned their alcohol in at night. He said they would be willing to establish a neighborhood committee in the current neighborhood as suggested in the Good Neighbor Agreement for the new neighborhood if it was done with the agreement and in cooperation with the Oread Neighborhood Association.

Public efforts were underway around the new site and he had several private meetings with individual residential owners, business land owners and a large public meeting scheduled for next week at the Fairgrounds, Building No. 1, and was open to the public.

Simultaneous with efforts to find a new shelter, LCS had a successful year with its regular programs. In 2009, 49 people moved into permanent housing and 42 people started permanent jobs. In the 7 months after the Salvation Army closed its night shelter, LCS served

14 families with 24 adults and 24 children. In the beginning of 2010, just since January 10th, 6 families with 4 children had moved to permanent housing and 2 families with 3 children moved to family promise. Therefore, they were off to a strong start for 2010.

One of the things they were watching in relation to the relocation was the need for the number of families when getting closer to finalizing the space in the new shelter. The homeless family problem was perhaps greater than what was planned.

Another new year success related to the relocation was the Good Dog Biscuit and Treats entrepreneurial job project. It finally grew too big for the shelter building they were now in and was moved on February 1st, to 412 East 9th Street. The new building on Franklin Court had a large area where they could develop this project along with others into a significant job skills training program. Under the Good Dog Biscuit and Treat Program, they currently employed 8 part-time people, and 3 part-time volunteer folks for this project.

This winter LCS had fed and sheltered up to 91 people during the cold nights and no one died on the streets of Lawrence. Every night they fed 91 people with volunteer people providing food and home cooked meals in the Shelter. It was gratifying to see the work that was done at the Shelter. Nobody wanted a shelter but, unfortunately, we live in a time and place where shelters are common and the point was to make it the best shelter possible.

In spite of its inadequate building, the Lawrence Community Shelter was a shelter with strong programs, striving to do its work successfully for the community.

He said he knew there were many questions about the relocation and about the current operation, and he and others were ready to answer. He said they believed with the site they had located, the strengths of the Board and the skills of the Capital Campaign Steering Committee, that they had a realistic chance at moving to the new site in the two years requested.

Don Huggins, President of the Board for Lawrence Community Shelter, said in many ways the Franklin facility in its location seemed to be a better fit both for LCS and the

community. The location was more remote from businesses and residential areas, and the building already exists which could cut building time and speed up occupancy. There was space for their job programs within the same structure without the need for more land purchases and the area and building location allowed them to locate their outside recreational areas to the south of the building away from the proposed public entrances and the existing highway system.

He said from a capital campaign perspective the Franklin Center had several advantages over the Don's Steakhouse location. A building existed that could better show perspective donors and allow donors and others to better visualize what they were being asked to support. The overall cost to develop the Franklin facility into a Community Shelter that was nearly identical to that envisioned at the Don's Steakhouse site would be somewhat less and this was an obvious benefit when trying to fundraise.

He said because a building shell existed, possible weather related delays associated with a new building could be avoided which would guarantee a little faster relocation and a timeline for relocation might be shorter because they were just renovating instead of building from scratch. The bottom line was they felt the Franklin Center was a better fit for the Shelter and the community and were very excited about moving forward with that site.

He said he wanted to express some hesitance, because there were a lot of unknowns in terms of relocating, one of those were fundraising in a fairly bad economy and the prediction in terms of renovation time. He said it seemed prudent for the LCS to ask for the 24 month extension at their current location.

Commissioner Johnson asked if Huggins had a cost estimate on just the improvements to be made, not including the building or land.

Huggins said it was approximately \$900,000.

Michael Tanner, Lawrence, asked about the address of the new location.

Mayor Chestnut said the location was adjacent to the Douglas County jail, the building to the east.

Tanner said that address would never work out as a homeless shelter and neither was the current location. He said he would like to offer his services for helping the homeless. He said LCS was located across from LINK and asked where the homeless would eat.

He said downtown was an ideal building location to keep homeless people except for the fact that it was in violation of City Code and he did not care if the building had been inspected. The credibility and integrity of the people that did the inspections and the staff that ran city code enforcement was in question. He said he would not volunteer any information because he was seeking legal action. He said he contacted City Code Enforcement since 2006 on that building and nothing had been done about the City Code Violations he reported. He said he had not filled out any forms because he went that route and it did not work.

Brandy Sutton, business owner near LCS, said she spent time reviewing the City Commission meeting minutes, since 2005 on this topic and looking over her notes on this topic and was questioning whether to come to the City Commission meeting, but as she was leaving her office, 3 police cars were sitting in front of the LCS and there were only 14 police offices on the street that night. Approximately 21% of the City's resources were sitting in front of LCS and that was enough to make sure she did come to speak before the City Commission.

In December 2005, the Drop-In Shelter and overnight shelter became one and formed the LCS. At that time, Commissioner Hack commented on the fact that she was excited about the new case workers. That topic was also on the agenda because they were possibly losing one of those case workers.

In March 2006, the issue of consolidation was taken up again, and in December it was deferred to allow the Community Commission on Homelessness (CCH) to review and make recommendations on the topic. At that time, LCS was requesting a 5 year extension and only 1 year was given to allow the CCH to work on the issue and come up with solution.

On April 17, 2007, a public meeting was held and they heard the same thing that was stated at this meeting which was that the LCS was looking for a new location and had several

other properties under consideration. LCS was given 3 years to get that process on board. She said Commissioner Dever made a comment about making sure there were milestones and needed to be more accountable.

On April 24, 2007, Mayor Chestnut sent an email, laying out a timeline for the progress of this project and that in April 2008, there should be a capital campaign, but tonight they heard the capital campaign had not started yet, but were looking at it and would get in underway and in October 2008, they should have a progress on the fundraising and April 2009, there should be recommendation for a new location and by October 2009 they should have acquired the new location and begin equipping the location. Again, those were all issues LCS were still talking about 3 years later.

In June 2009, Loring Henderson was quoted in the Lawrence Journal World as saying, "It was unlikely the Shelter would be ready to move to a new space." She said Commissioner Johnson said that they were two years into this issue and some of this issue could have been taken care of by now.

In August 2009, Henderson was quoted as saying "They would be starting a capital campaign soon", but it was now February 2010 and there was still no capital campaign. She said they could probably read the City Commission meeting minutes from 2005 to current and hear the same things.

She said she had to purchase medical supply gloves because they constantly were picking up needles and other drug paraphernalia. They had broken glass from liquor bottles and these issues were on-going and urged the City Commission to stick by their word. Short of that place going completely dry and not allowing anyone who was not a Douglas County resident and could prove they were a Douglas County resident to be there, she did not see it working in any location. She said she did not see neighbors willing to allow that constant drug and alcohol activity in their neighborhood, no matter how far removed from homes or business it

might be located. The current model did not work and proved it was a drain on the resources of this community and something had to give because they could not continue to live on promises.

John Tacha, LCS fundraising committee, said the reason why they had not had any progress in terms of fundraising is because they had not gotten approval from the City of Lawrence for a spot. They looked at over 90 situations and turned them down because of neighbors, the City, or the Planning Commission. The last case was Don Steakhouse where the Planning Commission voted 6-4 to deny the request. In the mean time, they had another opportunity and were probably finding a better location. He said as a co-chair of a fundraising committee, a campaign could not be started until there was a product. There was no way to ask people to give \$5,000 to \$100,000 to something that was not approved. The bottom line was the City of Lawrence had to approve the situation before moving ahead, but as soon as they receive approval for a site, they would have a committee that was ready and able to raise the funds to get the location completed.

He said his committee had been meeting for the last 13 months, but the last 5 months they had not met because there was no reason to meet. They could not raise money until they had a location and they could not find a location because the City had to approve the location. Again, the best he could say was that their campaign committee would raise the funds, it was a great committee and they were eager to get started, but there was no way they were going to let their committee start until they had a proper location.

Doug Brown, McGrew Commercial and member of LCS Board, said he was originally hired by LCS to find real estate for the new location in July 2007. He said he appreciated the fact that people were frustrated by the fact they had not found a location, but now they thought they had an adequate location for the shelter. They had been through quite a process in trying to locate and there was no way they could start the fundraising until they had a pat, done deal.

He said one thing he learned very quickly about trying to get the Shelter relocated was that there was no way they were going to be approved near a residential neighborhood, near a

school, or near the central business district. He said they had to receive a text amendment which took 6 months to have the SUP available in industrial zoning. He said it was appropriate and opened up a lot of properties. He said they looked at a lot of industrial properties, but it did not turn out okay, but now landed on an industrial property so it was worth that 6 months time, but it took a lot of time. He said they had diligently looked at a lot of properties and considered 90 properties. No one wanted a shelter in their back yard and it was a difficult thing to get approved, but they were on the right track now and if they could get the approval for the SUP for this location, it would get done and the money would be raised.

Gary Teske, Pastor, Trinity Lutheran Church and member of LCS Board, said their congregation provided some overflow shelter on the cold nights when the shelter had more than what the SUP allowed.

He said it was not one particular group that was not doing anything, but it was the community. He said there was nothing but absolute resolve on the part of everyone to move into a homeless center. He said calling the location a homeless shelter was misleading because it was not just putting a roof over peoples heads, but providing a center where there were services and assistant to those people to help them move out of this situation and get into housing. He said he hoped the SUP would be approved so they were not draining off energy in having to wait. He said the board representing the community had the resolve and determination to see to it that the community received a good facility and the facility they were looking at now was certainly viable and opened the door for the type of programming and the type of services and assistance that was needed. He said if the community felt there needed to be some action to spur it on, he could assure everyone that there could be no greater motivating factor than seeing that building and imagining what could be done for the homeless people in that facility. He said he was asking the City Commission to approve the extension on the SUP so they could receive approval for the new location and start raising the funds to make this a reality.

Eileen Schartz, member of LCS Board, said she was excited because they found a location, but it did require money and time. She said she was asking for City Commission support for extra time on the SUP. She said she worked in development at St. Francis Hospital in Topeka and knew what it was like to go through foundations and raise money. She said they had an excellent capital campaign committee ready to go in the community and was seeing a lot of support. She said they had not been able to write a lot of foundation grants because a building was needed. She said they finally had a location and was truly being something the entire community could be proud of because this was not just a few people's problem, but reflected on the entire committee and how they took care of all of the City's residents.

Brad Cook, Lawrence Social Worker, Co-Chair of Coalition for Homeless Concerns, said he fully supported the SUP for 2 more years because LCS was extremely important and did a great service to this community and it was our duty as human beings to care for every member of this community and LCS did that.

Gwen Klingenberg, Lawrence, said LCS had been looking for a long time. She said she had personally had always been working toward finding the best place with little or no constant complaint. She said she had worries about transportation access and thought that would be addressed. She said LCS had been trying, but it was the City and the community that had stopped LCS from keeping their promises. She asked the City Commission to give LCS the considerations that were needed in order to build the best possible shelter.

Hubbard Collingsworth said he had stayed at the Shelter, but his main concern was receiving a decent timeline on meeting just the rehabilitation sections of the monies.

Brit Kring, member of LCS Board, said they had looked at several properties and had received flat denials in purchasing a property. He said he had never experienced quite a distaste for what the shelter did and the people that worked for that shelter and the conditions they worked in for the people they served, it was amazing people found homes or brought back into the community. He said it was a testament to the quality of the individuals that worked at

the shelter tirelessly everyday. He said he believed the group of people on the steering committee were anxious to raise the money and wanted to see a new shelter. He said if they received the additional time and received approval on the Franklin property, this dream could become reality.

Melinda Henderson, Lawrence, said at one time, she had lived a block away from the community shelter. She said trying to fit unfortunate people into a tiny space was not easy. She said for the 3 years she lived by the shelter, anytime she went downtown or went to church, she walked by the shelter and was never hassled, never accosted and she felt okay because she knew the work that Henderson and the board were trying to accomplish. She said there had never been any political will and there was always something wrong with the location. She said the proposed location was practically at the edge of the City limits and she was not sure where else they could go. She said she was concerned if the SUP was not extended.

Jane Pennington, Downtown Lawrence Inc., said she would read a letter submitted by the Board of Directors of Downtown Lawrence.

"The Board of Directors of Downtown Lawrence understands the need for providing emergency shelter for Douglas County residents who find themselves unable to put a roof over their heads. However, we believe that having the shelter in Downtown is incompatible with maintaining Massachusetts Street and the environs as a vibrant, bustling business district.

We know that the Lawrence Community Shelter is looking for a new location. But, they have been looking for many years and they have promised time and again that they will be moving. We believe that it is time to say enough already and deny their request for another extension of time for the Special Use Permit.

That being said, if the Commission determines that closing the shelter in April would have a negative impact on the LCS's negotiations for a new location, we would ask that the Commission place the following restrictions on month to month extensions, not to exceed 12 additional months.

1. Shelter guests must be able to provide documentation to prove that they are Douglas County residents. Copies of this documentation will be kept on file at LCS.
2. All contraband (alcohol, illegal drugs, etc.) must be surrendered to staff for disposal upon entering shelter property and its environs.
3. All guests must immediately enter a program or programs to move themselves towards successful housing. Further, they must demonstrate daily that they are making progress with their program/s. Failure to sign up for and work a program will result in the loss of all services.

4. The temporary increase in occupancy levels recently granted will expire in the spring and will not be repeated for the upcoming winter season.

While not a perfect solution, we believe that these steps will help reduce the problems associated with having the shelter located Downtown and it would not undermine the LCS progress toward finding a new location.”

Henderson said during the last 3 years they certainly took seriously the requirement for markers along the way and efforts to fundraise. He said they did apply for the State tax credits and received the \$250,000, the federal earmark for \$200,000, and a \$100,000 donation. He said there were things that were done for fundraising that were part of the capital campaign and there were also private discussion for major donations that they would not disclose yet.

Michael Tanner, Lawrence resident, said a lot of homeless people did not have identification or could prove they were a resident of any place and for a homeless shelter to demand that identification would put everyone in the homeless shelter on the streets. The lack of compassion for other human beings never ceased to amaze him.

He said every time he made public comments the City Commission disrupted him, from the very first time he came to the City Commission to try and show pictures of the damage done to the habitat restoration area where eagles nest and the nests that were cut down. He said he was going to go another route with this issue and seriously take legal action against the City.

Vice Mayor Amyx said the contract on the new facility had obvious contingencies built into it and asked the length of time that contract would be in effect.

Tacha said there was no way they could talk about any situation with that prospective seller because it was not favorable for the seller or the buyer.

Vice Mayor Amyx said if staff could have that information because if it was only 90 or 180 days, it might have an effect on the length of time the City might consider as part of the extension of the SUP.

Tacha said obviously if the City did what they hoped the City would do, by the middle of April they would have the approval to go forward with that location, then their steering

committee would have to get busy pretty quickly because the seller of that property, if he was going to sell to them, was going to want action fairly quickly. He said in generality they needed to have some sort of action taken with that group within 3 or 4 months of that April time.

Commissioner Dever asked where the recommendation for contingent approval came from based on moving forward with the next location.

McCullough said it was staff's recommendation to the Planning Commission derived from the comprehensive context of this application and Special Use Permit process for the relocation efforts.

Mayor Chestnut said there was not one person that had a lack of compassion for the homeless or any other group in the community. He had done a lot of reading of other communities that had a struggle with this issue and it became an "us" versus "them" type of argument and no one won. He said there were groups in the community that resent high and unintended costs of a shelter located in their community and then there were those that had a lot of passion for the issue that believed that there were folks that did not care about those that had less, but it could not be further from the truth. He said Lawrence was a great community and was proven time and again that as a collective whole, was a great community to live and believed in its people and tried the best they could with the available resources to meet their needs.

He said he agreed those milestones were put together appropriately and there were two things that were not anticipated at the time those milestones were put together. One was, according to the Wall Street Journal, that the wealth of the United States and its investment would drop 11 trillion dollars in 2008 which was the full wealth combined of Germany, Japan, and the United Kingdom in 12 months. In April 2007 when the City Commission was looking at this issue, they did not have any understanding what the precipice of the US economy was going to be and went into the most adverse circumstances that they could have come through in

this economy. Unemployment doubled over a period of 24 months and at that time they could not anticipate those circumstances.

Secondly, there had been a push/pull of trying to find a location to move and neighborhood responses, but the more divisive they were about this issue, the lower probability they would have success. He said there were folks at the shelter that felt the City was rejecting all of their locations and there was an element in truth in that and an element of responsibility and cope ability that went on all sides of this issue. He said there had been a growing high costs of untended consequences with that location and was not sure had been appropriately addressed.

He said they had to continue to work on that if there was any extension of this SUP which meant to the core of the management plan. He said staff had to get to some elements of the management plan that addressed some of the issues that had been a constant pounding on that community over the last 5 years and did not want to try and architect that from this body. He said he did not know if residency could be proven, but there were a lot of issues that LCS had a much better handle on than the City, but it had to be addressed aggressively, if there was any extension in staying in that location because it had grown.

He said there had been a lot of location trials and a lot of failures. The bottom line was it was one of the most difficult issues the City faced because it was a use that no one wants, but everyone recognized the need. He said the location that was selected, but given all the consequences, he did not know of a better scenario that could be found. It was located within an industrial setting with some impacts because there was land yet to be developed to the west that could possibly be residential. It was lot easier to go into undeveloped land than developed land and that way at least the people understood their surroundings. The footprint was big enough for the LCS and agreed with Tacha that the community would embrace a plan. If there was one thing about Lawrence that continued to amaze him was he never thought 49 precincts

out of 49 would vote for a tax increase in that kind of economy for a transit system. He said the values of the community would embrace this and move forward.

He said he had a hard time with a two year extension because there were some comments that were made about a safe amount of time and thought the time had passed for a safe amount of time. At this point, there was a sense of immediacy with the adjacent neighborhood that had to be tightened up, but that was not to say if there was real and tangible significant process, he said he thought LCS would be back asking for another extension for some period of months, but two years was too long. He said he wanted to come up with something that would be a reasonable amount of time to extend this SUP because they were close to what was probably the best solution they had seen in a long time.

Secondly, he asked if there had been any management plan actual tangible things adopted in the current location and there needed to be that discussion about what they might be willing to do to tighten some things up and try to mitigate some of the high costs that had been incurred by the neighborhood. He said he wanted to support the extension, but two years was too long and did not know if a year was long enough, but he was willing to move forward with a year to realize they would be back having this discussion in 9 months, but at that point he hoped for some fantastic news about how far LCS was in the capital campaign and now they were looking at plan.

Commissioner Dever asked if the City Commission was going to try and address this issue because Vice Mayor Amyx mentioned some desire to couple the future and current discussion.

Mayor Chestnut commented to his response to the recommendation. He said what he thought might be appropriate was if the Commission wanted to take action on the SUP with some modification or no modification depending on where everyone was at. He said they could not necessarily refer this SUP back to the Planning Commission, but back to staff. Since the City received a valid protest petition, it would take 4 votes anyway. If there seemed to be a

consensus on a modification of this recommendation, they would bring that back for discussion on the night the City Commission considered the new facility and tie it up in one evening.

Commissioner Cromwell said the process had been lengthy and there were definite issues and problems with the current site. However, he thought they were on the right track to get something done and that was a result of a lot of different things coming together and they shared culpability. He said they could now put those issues behind and move forward with a plan that was better than it would be had they not had those discussions.

As a result of pressure from the City Commission and the community, they would end up with a better site, management plan, and services, for the guest that came through the shelter at a greater success rate and that would be a tremendous move for the community. He said the City had stated there needed to be a shelter to take care of the homeless. The community shelter had taken the lead in helping the homeless and needed to be commended for that effort.

He said it was appropriate to go ahead and discuss the extension of the SUP and move on in April with the Franklin site.

He said he appreciated concern of the timeline which was a real issue and it would be impossible to know what it would take to raise that amount of money. He said he wanted to move forward and grant the extension with the recommendation that included timelines for those folks that had legitimate issues with the site. He said the process had been long, but an end in site that was all tied in.

Sutton said the language of the ordinance said approval of a SUP for a new location and there was no limitation on how long or when and it was very open ended and vague.

McCullough said the April 17th expiration date there would need to be an approval before that date to extend to that point forward.

Mayor Chestnut said it was implied that that was the only option otherwise it would expire because of the wording.

Lance Johnson concurred with Commissioner Cromwell and Mayor Chestnut. If the City Commission approved going forward, he asked if a management plan part of the condition of this SUP. He said his concern was going forward with something and approve the SUP for another year in its current location, but had not solved some management policy issues of LCS in the current location. He said most of the people he had spoken to were not against the concept of an open shelter, but most people expressed a concern about the behaviors and the lack of accountability. He said it seemed they were not addressing the root of the problem. He said he still had concerns over the management plan. It was not so much about the shelter as much as the behavior and the things that happened outside that shelter whether it was alcohol and drugs. He said he thought the people that were housed at the open shelter should be a resident. He said he was reluctant to continue to let this behavior go on and were not addressing the real issue. He said a management plan would help sell and help in fundraising. He said until he could see that management plan was worked out and seriously address how things were being run at the existing shelter and going forward, he was not okay with extending the SUP.

Commissioner Dever asked what the management plan would look like in Commissioner Johnson's eyes.

Commissioner Johnson said the shelter needed to confiscate the contraband, drugs and alcohol and not return alcohol and drugs; a requirement to be a Douglas County citizen; a system in place that tracked the progress of a guest; and, a timeline on how long a homeless person could stay at the shelter. He said personally, he would not mind seeing the shelter dry, but that was tough because the City did not have a place in Lawrence that could take care of that issue.

Commissioner Dever said the progress that had been questioned was pretty clear because he had been paying attention to the issue for a while and believed progress had been made. Everyone with the proper level of urgency had moved forward with trying to find a

solution to the location for a homeless shelter. It was very frustrating for people who live in and around the neighborhood. He said when this current site was originally approved people did not envision the site growing to its size.

He said it was reasonable to expect certain behavior when having a SUP and it was reasonable to ask about more diligence in trying to be good neighbors

The time of the approval to a new location was worrisome, but if that was the only way it would fly, he was willing to move forward, but believed a year was probably not long enough. He said his understanding of the process was if they approve this for 12 months then there was a possibility they would be moved. He said if they put those behavioral restrictions on the shelter, that might be a more positive change and realistically it did not seem it would happen. There were issues of transportation that had to be worked out and long-range planning.

He said he believed the community wanted to provide those services and believed they had a willing and active participant that would help. He said if they did not act on this SUP, they would be faced with the same problem which was two months from now they would have no homeless shelter and no fall back position.

He said he would like to see the plan and what the future held, but he had no problem moving forward if that was what it took to keep moving. He said it was disingenuous to tie it to approval when they did not know when that happened.

He said the time frame needed to be realistic and the requirements needed to be realistic for the neighbors who had share their home and neighborhood with this location for so long with an open heart, knowing how difficult it had been for them. He said he was generally in favor of moving forward and would like to see the time frame at two years instead of one year. He said he did not think it was unreasonable to expect some sort of management plan if that was going to persuade Commissioner Johnson to agree with this program.

Vice Mayor Amyx said the first part of April the City Commission would be considering the application for a new SUP for a land use issue which was inappropriate to comment on.

Mayor Chestnut said he realized that date was not a good date because he was not going to be available that week. He said he was missing one Commission meeting in four years and the April 6th meeting he would miss. He said this needed to be moved up to the last week in March if possible.

McCullough said there was a 14 day protest period after the Planning Commission hearing. He said April 6th was the earliest that it could be done.

Mayor Chestnut said it would not take place until April 13th.

Vice Mayor Amyx said they had to go through the public hearing process and discuss the issues that surround that particular application. There would be a management plan the City Commission should be involved with and since the City helped fund LCS, he thought the City Commission could have some input into the management plan.

He said regarding the current location of the shelter, it was never intended by anyone who served to have the current location be the permanent site because the limits on that property. One thing of concern was the additional two years which ultimately might be the timeframe when going through a capital campaign and construction. He said went talking about benchmarks, it would need to happen during that timeframe that would be the only way he would consider that type of extension and everyone understood what was going to happen in that two year period or whatever time was selected.

In looking at the next step in this process which was to consider the SUP for the new location, he truly believed that depending on the outcome, and assuming it was in the positive for that new SUP, would be the time to discuss the extension and requirements.

Commissioner Cromwell asked if there would be a possibility of approving, contingent on a discussion regarding the management plan with the City Commission. He said there were contingencies and asked if one of those would be an appropriate management plan amendments approved by the City Commission.

Mayor Chestnut said he read the Planning Commission minutes and asked what the recommendations were for the existing location.

McCullough said staff had the management plan for the existing location and had not spent a lot of time with the plan. He said the difference between the existing and the future, in 2007 there was a condition for a Good Neighbor Agreement, working with the neighbors. The code was amended and required the management plan and certain elements in the management plan and that was worked through the public process to date for the new location. He said they all learned a great deal about concerns and how to address concerns and would see a lot more about that with the proposal in April. He said there was an existing management plan that Henderson should speak to and if it was deferred at this time, staff could make it available and work with LCS to make changes based on the comments and also based on what staff knew now about the proposal because they heard some of these things throughout the process for the new location such as citizen requirements and those sorts of things and there were very valid reasons that might or might not be part of the management plan and should present to the City Commission.

Mayor Chestnut said as it stood right now, they were being asked to approve the extension for two years with the existing management plan with no modifications.

McCullough said correct with no modification and the Good Neighbor Agreement in place.

Henderson said he mentioned to changes to the existing management plan that was already made based on comments from the public.

Mayor Chestnut said part of the issue needed to formalize this issue. He said he shared Commissioner Dever's concerns about tying this together because it was problematic. He said whatever that was decided tonight was moot until whenever it came up in April because that became the contingent lever that if it fell off the table then everything went down with it.

He said he would like to propose coming up with a direction on the timeframe and try to negotiate this to see if they could develop a consensus because with 4 votes they had to move with some sort of consensus or it was going to expire.

He said regarding timeframe and modifications to the existing management plan, he suggested trying to provide as firm a direction as possible about that and then hopefully became a fairly quick process because it was weighted in at this level.

The issues that Commissioner Johnson discussed, he asked if Commissioner Dever was in agreement.

Commissioner Dever said he was looking for a consensus and it was reasonable, if they were going to continue this SUP, the Mayor indicated several years ago there was this hesitancy to maintain the status quo and he wanted to respect everyone's understanding of how things were now and what they did not like about it and how they would like them to be until such time as they moved this to a permanent location. Clearly this was not going anywhere without four votes. He said whether giving a little more time or opportunity to give the shelter the tools they needed to successfully fundraise and to continue operation until such time as a new location was created.

Mayor Chestnut said was there a desire to make those decisions at this time which was the modifications to the management plan and the timeframe.

Commissioner Dever said they could not, in good faith, make this extension of the permit and had to take it out to approve it and then add in the management plan and then pick a timeframe.

Mayor Chestnut said he sensed a level of discomfort with Commissioner Johnson.

Commissioner Johnson shared the timing issue. He said he would like to see the new plan and the proposal. He said he was reluctant approving something that would go on for another year or two years under a management plan that they already recognized they wanted to change for the new project. If the new management plan was good enough for the new site,

he asked why they could not take care of same issues on the existing site. He said he did not want to micro manage the management plan.

Mayor Chestnut said there was a level of consensus that the Commission wanted to provide direction, but not make that decision definitive at this time because he agreed there would be some negotiation.

Vice Mayor Amyx said Commissioner Johnson recommendation such as a dry shelter or operating the shelter with only Douglas County residents and how many people would be left in that shelter. He said the problem was he did not know what effect it would have on the management plan.

He said Commissioner Cromwell brought up a good point about what that new management plan would look like at the new location and whether or not that was going to be the plan at the current location, if a new site was selected.

Mayor Chestnut said trying to architect that idea at this level right now would not be a good product. He said it sounded as though the Commission wanted to direct staff to work with the shelter and talk about stipulations to modifications to the existing management plan and to bring that back in concert with the new site which seemed reasonable from that standpoint.

Commissioner Cromwell asked about the expiration date.

Mayor Chestnut said April 17th.

Commissioner Cromwell said and the City Commission would discuss it on April 13th.

Mayor Chestnut said there was some consensus the Commission wanted to decide on some stipulations to the current location management plan, bring that back on the same day they heard the new site.

He said he wanted to now talk about timeframes.

Tacha said he wanted to question the process because obviously if that was something the City Commission was going to do then the Board of Directors would need to approve anything before anything could happen.

Mayor Chestnut said he agreed.

Commissioner Dever said regarding the timeframe, he pointed out that a year was too short and thought the Mayor would be willing to renew it if there was substantial progress or some sort of milestone made. He said he was not sure how everyone felt about that, but believed they should be realistic in their timeframe. He said a year was not a reasonable amount of time given the history and the fact LCS did not have the money in the bank. He said if they had the money waiting, he might feel differently, but it was too critical of a service to gamble with and a year from now, there was going to be another set of players.

Mayor Chestnut said a special use permit was a special use permit which meant this body could decide at anytime to make sure they were in compliance and review it.

Commissioner Johnson said he would lean more towards a year.

Commissioner Cromwell said he would lean toward a year and a half and two years. A year would be impossible to raise the money and do the construction. If the City Commission gave them a deadline that was impossible the City Commission was not encouraging the completion during that time.

Vice Mayor Amyx suggested a year because it gave the City Commission the opportunity to review the progress from time to time throughout the year. He said the board would do a good job of fundraising, but there was that chance it might not happen. One of the things that needed to be discussed was the extension of the SUP and what would happen if for some reason LCS could not come up with the money for a new location.

Mayor Chestnut said was an argument for a little bit shorter timeframe to come up for review.

Commissioner Cromwell said they could also set the management plan up for review too.

Vice Mayor Amyx said the City Commission needed updates. He said all they were looking at was moving this process ahead and having a new facility built.

Tacha said yes and all they wanted was an endorsement without a whole lot of strings on it.

Vice Mayor Amyx asked what Tacha meant about a whole lot of strings.

Tacha said for example, the management plan was something the Commission had the opportunity to read. If there was going to be some severe differences it would take the Board of Directors to decide whether they wanted to do that or not and the steering committee had to decide whether they could raise money based on that. Again, it postponed to a degree, what they were going to do. If they looked at the management plan between now and April and people felt good about the plan, then that made it much easier for LCS to move forward. If they waited until the April meeting and were not sure where 5 people were, they still had to go back and look at their 2 different committees to decide when they are going to go raise money.

Mayor Chestnut said there was an issue because they were not really talking about any modification. He said the management plan for the new site was set for the most part. He said they were talking about the existing location which was where the sense of immediacy was now. Quite honestly if that dialogue was not going on, on an on-going basis with the neighborhood then they had a significant problem anyway. It did not seem unreasonable to say if they could talk about some stipulations to approve this between now and April, he did not think there would be a lot of discussion. There were some clear points of contention that had been brought up by a lot of correspondence the City Commission received. He said he understood they were operating under some duress, but sometimes that was the circumstances.

David Corliss, City Manager, said they had a recommendation from the Planning Commission and would also be considering at the April 13th meeting, which they traditionally did not have a lot on the agenda because it was the changing of the guard, but they would have the recommendation from the Planning Commission on the Franklin Park site. The City Commission had some options. One of the issues was going to be the wording of any of those changes in the management plan and staff needed to work on some of the wording and it would

be appropriate for LCS to comment on some of that wording as well. He said he wanted to check with legal staff on the suggestion about the residency requirement. He said he wanted to confirm, if that was the direction of the Commission, that that could be done.

He said the Commission could direct staff to make modifications to the ordinance and to the management plan in a draft format and then report back on the April 13th; or take action at this time as well.

Commissioner Dever asked if they could set up a milestone halfway between today and April 13th to have commented or made any changes or suggestions to the management plan so that document could be forwarded so it was not a stumbling block for the process on April 13th.

Corliss said the management plan was not part of the staff report for the 944 Kentucky site.

McCullough said it was not currently.

Corliss said one of things some of the Commissioners were talking about were changes to the management plan during the duration of the 944 Kentucky use. If the City Commission wanted to give staff direction as far as what 4 votes would do for the different management plan issues whether it was residency, alcohol contraband or whatever else there was, the Commission needed to see that full document in order to make those suggestions. Staff could post those suggestions and place it on another agenda before the April 6th meeting to get direction and then on April 13th, the Commission could reconsider the entire action again or act now before April 13th. He said given the weeks ahead he did not think it was to inappropriate for staff to post the management plan, the City Commission could make comments and provide more direction on whatever else the Commission wanted to look at and staff could meet with Henderson and come up with recommendations and then on April 13th, the City Commission was in favor of an extension, but needed to think about the length of time which could be made after the Franklin Park discussion.

Mayor Chestnut said what the City Manager was suggesting was to defer this approval, set in on the date they would have the Franklin Park discussion, direct staff to address the management plan issues that would be directed by the City Commission, and come back with a recommendation on those modifications to the management plan, plus a timeframe.

Corliss said that was one suggestion or act on it tonight.

Mayor Chestnut said he did not feel comfortable trying to sort this out at this time because there were going to place stipulations that they could not handle.

Commissioner Johnson said it seemed like they were all okay extending the SUP at the current location, but might be differing on time. If they were okay with extending the SUP, he asked why they were worried about April 13th. He said they could extend it conditioned upon a management plan and get a management plan completed in two months.

Corliss said it was also contingent upon approval of another site.

Commissioner Cromwell said they could take that out with 3 months to get the management plan tied down.

Mayor Chestnut said they needed to set a time when it came back to the City Commission for the management plan. He asked the Commission about 60 days.

Vice Mayor Amyx said they had until April 17th, so the date had to begin from that point.

Mayor Chestnut said it would put it into June. He said there were boards to be considered, logistics to be negotiated, and a lot of process to go through because they could make stipulations and if it was not physically possible or legal, the Commission had work to do to figure some of that stuff out.

Vice Mayor Amyx said would the extension include tying it to the new location SUP.

Commissioner Johnson said if he went for a year, he would not tie it to the new site.

Commissioner Dever said they could not tie it to the new site because what they talked about earlier and they needed to take that out.

Commissioner Cromwell said they would want to remove the stipulation to have the special use permit for the new site and take it out because it was a short duration of a short extension and could do that regardless of what happened to the other site.

Vice Mayor Amyx said at the end of the one year, what happened at the current location.

Commissioner Dever said reapply for the SUP if they wanted to continue the use.

Mayor Chestnut said he had every expectation that they were going to be talking about a much different situation then,

Commissioner Cromwell said were they talking about a year or a couple of months.

Mayor Chestnut said to summarize, what Commissioner Johnson was proposing was extend the SUP for a year from April 17th; make that contingent upon approval of a management plan that would come back before this body, 60 days from the time of the expiration of the current SUP which was June 17th and see that they would decouple it from the approval of the new site proposal that was coming up on April 13th, with the idea it was a short timeframe.

He said on April 13th for whatever reason, if that situation was deferred, denied or whatever, in 4 days, that was not going to happen. He said that was the best consensus to say a year, modifications to the existing management plan and the decoupling if from that approval which would start to release a little bit of the pressure and then kind of separate those two, but there was an implicit expectation that they were going to be getting updates on the fund raising and what was going on and the site plan and how they were doing and progressing and moving forward. He said they were developing contingencies. He said he had a lot of confidence in what was happening now with the Capital Campaign and people that were getting behind this issue, but a year obviously they get another crack at it and if they were no closer in another year, they realistically and probably want to look at this at the end of 2010. He said his intent was to have this discussion about six months ago but they got processed into delaying it. A year kept it on their minds fresh enough that they were talking about this about every 60 days and seeing how it was going and it was going to need to be an intentional follow up by this body

pretty much on a consistent basis during that whole period of time so if they had a sense that really nothing was going to happen, that they were making some contingency plans if there seemed to be because he would guess there would be another valid protest petition to say they did not have 4 votes to continue at that location because they had to have time to have some kind of contingency.

Vice Mayor Amyx said regarding this new management plan on the existing location, he asked what was their action on the plan.

Mayor Chestnut said to approve another one on that current location.

Commissioner Diver said to implement one which he did not know technically was tied to the SUP.

Mayor Chestnut said it would be another formal document.

Vice Mayor Amyx asked if they were taking action on that management plan.

Mayor Chestnut said they were approving a one year extension with the contingency that they had an approved management plan by the City Commission by 60 days after the current SUP expired which was June 17th and it allowed time for the boards to work and legal to work and everybody sort of processing this.

Vice Mayor Amyx said that was a pretty big change to the current SUP.

McCullough said it was a new element to the new location and it was expected by code in the relocation.

Mayor Chestnut said they were not talking about the current plan.

Vice Mayor Amyx said he understood, all he was saying was if they did not adopt this new management plan as part of the current SUP on the current location, what happened to the current location.

McCullough said staff would address that at that time. If they got to a standstill with the management plan, they had other issues to work through.

Mayor Chestnut said the way he would expect the ordinance to be written was if no new management plan was adopted by June 17, they give whatever notice was probably required in that SUP to say it was expired.

McCullough said staff could begin revocation process.

Mayor Chestnut said that would be a triggering event to say they were revoking that SUP.

Tacha said there was one other piece to consider and if everything went as approved and approved the new location on April 13th, and then in June did not approve the management plan, then they raised money for two months for a new location and then they did not have a shelter anymore.

Mayor Chestnut said he had a high degree of belief that if they worked together it should be the expectation they could come to terms with that.

Commissioner Dever said the concern he had with one year was that it was unrealistic; several members present would not be there at that point in time and would hate to put this on the shoulders of a new Commission just like was placed on their Commission. The timing needed to be considered and it was appropriate to discuss the decision that were being made today, putting off a year, were those decisions would be made by at least two of the Commission but no guarantee of who else. He said he thought it was passing the buck.

Mayor Chestnut said there was an element of Commissioner Dever's argument that he agreed with, but for the record, personally, it was a mistake to approve 3 years because they did not communicate the sense of immediacy. He said he knew LCS worked hard, but was one of those things that had to consistently pound because that seemed to be the way progress worked. He said the discussion around the management plan and a lot of things that had been happening had been going on for a long time and now they were at the eleventh hour and his question was those things should have been addressed two or three years ago. He said he

thought they would make a lot of substantial progress very soon because they were up against this deadline and it seemed to be how progress was made.

Commissioner Johnson asked how this passed the buck because he was thinking in a year they would still be sitting on the Commission.

Commissioner Dever said not a year from April 17th.

Vice Mayor Amyx said what their expectation was on what this management plan looked like when it came forward for the current location.

Commissioner Dever said he would envision taking the current management plan, reviewing it and making comments. He said for the Commission to decide what that was going to be was outside their area of expertise and should give them what they thought was appropriate based on neighborhood feedback, what was legal and right, provide those changes to the board and let the board tell the Commission what they could and could not do and come to an agreement, but this dialogue needed to happen for the Commission to have 4 votes to move forward.

Vice Mayor Amyx said one of the things going through his mind was he wanted to support this, but did not want to leave stones unturned because there was that possibility by having a current SUP and it seemed like they were missing something.

Mayor Chestnut said that was why Commissioner Johnson's suggestion of approving with the contingency of having that management plan done 60 days after the expiration of the existing SUP was a good idea because that bought some time to make sure they had that right. It allowed some neighborhood meetings and some public input.

Commissioner Cromwell said they were talking about Franklin and this was two separate things.

Mayor Chestnut said those were two separate things but there was no reason they could not have engagement with the existing.

Commissioner Dever said what they all agreed to on the management plan might be transferrable or preferably transferrable.

Mayor Chestnut said the other way around too because they made modifications to that plan that were not in the existing plan.

Vice Mayor Amyx asked if the City Commission was missing something that he was not seeing and was there some procedural thing the Commission was leaving out.

McCullough said no, he thought this was all very doable. Staff could work on the management plan and get that to the agenda's periodically for updates, let the public see the progress on the management plan all along going forward on the relocation efforts. The challenge was if they did not get approval on a new location, then they were in 10 months a year on how to progress with this site.

Mayor Chestnut said if they did not see a lot of real tangible evidence about November or December of this year, they talk about it then. That was the problem, the calendar kept rolling until their backs were against the wall and the frustration was that he wanted to have this discussion in November and not now because they were in exactly the same situation which the expiration was rolling up again.

Vice Mayor Amyx said what the Commission was being asked to do was to consider an extension of the current location for a period of one year, conditioned upon a new management plan being written for the current location to be adopted within 60 days of the expiration date of April 17, 2010.

Mayor Chestnut said correct. He said not a new location, but modifications to the existing location.

Corliss said staff would have the existing management plan on the City Manager's Report next week and discuss with Henderson and others about changes and getting the Commission's views in that 60 day period. It would be staff's interpretation that approval of the new management plan after that 60 day period would be by a 3 vote majority and not a super

majority vote. He said because of the protest petition, a super majority vote was needed to proceed with approval.

Commissioner Dever said but not approval of the management plan.

Corliss said the approval of the management place could be delegated to 3 or 4 votes.

Mayor Chestnut said the management plan needed to be included in the SUP. He said it would be circumventing some of the process of the protest petition. If a management plan needed to be attached to the SUP and the SUP had a valid protest petition. He said approving the plan could possibly be approved procedurally, but it might not be a good idea from a public perception standpoint. He said it was not going to be that hard because there were clear directions given on some of those stipulations and needed to negotiate, modifying the existing plan.

Commissioner Cromwell said they were decoupling, but there were seven provisions listed and asked if the Commission was discussing removing provision No. 1, but leaving the remainder of those provisions.

Commissioner Dever said not provision No. 2 because it stated two years.

Commissioner Cromwell said he thought the City Commission was leaning toward 12 months.

Vice Mayor Amyx said if it came down to a Management Plan, he asked what that triggered if it did not receive 4 votes.

Mayor Chestnut said it triggered the process of revocation on April 17th. He said the Commission was running out of runway.

Commissioner Dever said he liked the language that was suggested by the City Manager.

Corliss said there was an existing management plan that was adopted by the City Commission and the plan needed to come back before the City Commission to be adopted with its modifications.

McCullough said it was the Good Neighbor Agreement that was adopted. He said the was in all respects, a new special use permit application and was fair to put this as an element and condition on this permitting process.

Corliss said there was an existing management plan that needed to be reviewed, considered and modified and if the plan was not approved by 4 votes, that meant the SUP conditions were not met, the revocation process started.

McCullough said it was a management plan that staff was more familiar with because it was staff's baseline for working on the new location. He said staff would post the management plan next week and start the review and analysis.

Commissioner Dever said the City Commission could use this input, but wanted to make sure they were realizing if the Commission did not come to an agreement that the SUP expired and there was no fall back.

Vice Mayor Amyx asked if somehow the City Commission was setting this up to fail.

Mayor Chestnut said this was an alternative and was just looking for consensus. He said he agreed whole heartedly, but he went back to high cost of unintended consequences. At some point, they had to hold to a level of accountability that the consequences that were created and documented in that neighborhood, people had to be held accountable. There was a lot of language in the SUP now that stated the City Commission had the right to start revocation and quite honestly, there had been lack on the City Commissions' part, lack of prosecution because of the negative feedback. He said the Commission had to address squarely some of the issues that were happening at that existing location and not just adopting the management plan and moving forward. He said there was enough diversity of opinion about what was happening now.

Vice Mayor Amyx said he would like to see something tangible for a basis to which the City Commission could work from.

Mayor Chestnut said he did not know about the issue of being a Douglas County resident to stay at the shelter and if it was legal or possible. The stipulations around paraphernalia being confiscated and not returned, was a clear direction by the City Commission. He said they did not anticipate the shelter being dry and was probably not on the table.

Commissioner Dever said a system of a timeline and a progress of the shelter's advancement.

Mayor Chestnut said a lot of that work was probably being done now.

Commissioner Cromwell said the timelines were in the new management plan.

Commissioner Johnson said a lot of the work was probably close to being done, but a number of members in the community voiced their opinion on the accountability issue. He said they were talking about a new site and location and there was a new management plan that now took into account some issues that were brought up, input that was given by the community and the City Commission would look at a new plan at the new location, but they would be saying to go forward on the SUP in the current location, but not required to be held to the new standard. He said he did not have a lot of ideas to lump into the management, but the plan needed to be addressed.

Commissioner Cromwell suggested adopting the SUP, contingent upon adoption of the new management plan.

Commissioner Johnson said there were probably some things that were unique to the Franklin site that were possibly different from the current site. He said the City Commission needed to take that frame into consideration.

Mayor Chestnut said it was a different group of stakeholders.

Commissioner Cromwell said it was stated that the City Commission was setting this issue up for failure, but every time this issue would come up there was always an option of failure, but everything was coming together nicely and progress was being made.

McCullough said revocation was one option through that process and considering modified conditions was another option.

Commissioner Cromwell said the SUP could be approved, subject to the conditions and one of those conditions was the approval of the new management plan.

Moved by Cromwell, seconded by Johnson, to extend the time period for Special Use Permit (SUP-10-10-09) for Lawrence Community Shelter, located at 214 West 10th Street/944 Kentucky Street, for one year from April 17, contingent on City Commission approval of a management plan at that location by June 17 by a supermajority vote, and contingent on conditions No. 3-7 in the staff report. Aye: Chestnut, Cromwell, and Johnson. Nay: Amyx and Dever. Motion failed for lack of supermajority vote.

Commissioner Dever asked the City Commission to consider the parameters of this management plan and approval. There was likelihood the supermajority requirement on the management plan might prohibit this SUP in June. He said he wanted to make sure the City Commission understood what was in the management plan and the Commission agreed to that plan. He said he was worried about putting the SUP off for 4 months and if they could approve the SUP without the approval and the implementation of the plan that was vetted by staff with input from the City Commission which would be an appropriate motion to approve

Mayor Chestnut said in all of their new SUP code, the management plan was a key issue in that plan. He said the City received a valid protest petition which required a super majority vote. He said there was an issue and approval that related approving the SUP for an extension, but not the underlying management plan which required a simple majority.

Vice Mayor Amyx said in the end, he wanted to consider all of the issues at one time. He said the Commission needed to buy some time to tie the SUP to the management plan, subject to the issues that existed on the current SUP.

Commissioner Johnson asked what that accomplished because all that was being asked was extending the current SUP another month.

Vice Mayor Amyx said the Mayor would be unavailable on April 6th, and he wanted to make sure all the dates were covered.

Commissioner Dever asked if Vice Mayor Amyx wanted to continue to consider the new site location on April 17th.

Vice Mayor Amyx said upon final consideration of the new location, the City Commission's direction on the existing location happened following the decision based on the new location.

Commissioner Johnson said he suggested deferring the SUP until June 2010 with permission to continue operation until the deferral hearing with the management plan to be submitted prior to the deferral date.

Commissioner Dever said if they approved the site in April there were two months of no fundraising because no one wanted to commit to something that might or might not happen and/or did not know if the management plan was going to be approved.

Mayor Chestnut said it was two different plans, locations and challenges. He said what came forward on April 13th was a management plan for that site and what the Commission was approving for the extension at 944 Kentucky was for the existing management plan that was adopted. Those were two different plans.

Commissioner Dever said if they were going to make those changes to the management plan for the site south of town, he asked what was to stop the City Commission from making changes at that level for the Kentucky management plan. He asked how the people that wanted to donate money know the City Commission was not going to try and implement those same changes. If the community could not get behind those proposed changes, he asked how that would not stop the community from contributing.

Mayor Chestnut said the shelter operated under an SUP every day of the year that allowed the options. He said he saw it as two separate tracks.

Commissioner Dever said the management plan would be exclusive for this particular site.

Mayor Chestnut there were two separate SUP's operated under two management plans that would have tons of similarities, but those would be two distinct management plans.

Commissioner Dever said the board's shelter wanted to start funding April 19th, and the City Commission was encouraging them to expedite the process. He said the Commission would only grant a year, but take two months out of this potential window, for fundraising, but putting doubt in people's minds about whether the Commission would approve this plan.

Mayor Chestnut said that plan would be presented and either accepted or denied on April 13th. It was going to be the proposal of the site plan on April 13th, plus the management plan for that location.

Commissioner Dever said there would be two months of trying to figure out what this new management plan would look like and in the event the City Commission did not agree, the Commission started the process of either deciding to revoke or to extend. That could happen everyday, but he heard from the head fundraiser that was a problem and wanted to be sure the Commission was not creating an issue in fundraising if they were going to narrow the timeframe.

Vice Mayor Amyx said what he heard was that the City Commission was going to be considering the new location and it would have its own management plan. The current location had its own management plan.

Commissioner Dever said he was thinking ahead on what happened if this fell apart and the shelter was no longer allowed to operate and the entire structure fell apart and did not have a new building to house the homeless. Commissioner Dever said with all of that happening, it was going to cause the City Commission to be in this position again because a structure transfer had not been transferred from one location to the next. He said he saw this timeline being flawed in encouraging the shelter to move quickly, but delay the process of approving

where they were at now and if the Commission did not agree with the plan and now the social services would be vacant because they might or might not approve the extension.

Corliss said he understood the date of June to be the maximum time for consideration. There was a consensus on the management plan in which all issues were exhausted and did not think they needed to wait until June.

Commissioner Johnson said it was in the shelter's court, but if they could get the management plan back to the City Commission in a couple of week that was great.

Commissioner Dever said he was comfortable with the fact he knew the Commission would not be meddling with the next plan. He said he did not want to put this situation in limbo and move forward as quickly as possible and was in favor of letting people move forward without any further ado, as long as the City Commission was clear of the management plan process. He said he was uncomfortable that it was going to be approved, but the fact that they could still fundraise and the management plan was not being created for the existing location, then he would concur with Commissioner Cromwell's motion.

Corliss said a member on the prevailing side on the 3-2 denial had to ask the City Commission to reconsider the previous motion.

Vice Mayor Amyx said regarding the status of fundraising, a statement was made about things moving ahead by November or December of this year.

Mayor Chestnut said that was in the submittal of a semiannual report regarding the status of the fundraising and the construction project.

He said this was a very important discussion to the community and was an incredibly hard decision to make because there were a lot of stakeholders involved. He said the Commission wanted to traverse this very difficult issue in a delicate manner and appreciated everyone patients.

Vice Mayor Amyx said the hardest part of this issue was the decision the City Commission would make on whether to continue to have a shelter in this community and what

that new facility would look like, how it would be paid, operate with the management plan, conditions laid out. He said it was a tough decision because the City Commission wanted to make sure they were taking care of the people that needed to be at that facility. He said sometimes he had been supportive and sometime not supportive.

Commissioner Dever said it was pointed out that the Commission could reconsider the SUP at any time. He said if it was possible to reconsider and place the SUP on the agenda by the end of the year.

Mayor Chestnut said absolutely and it could be done with the submittal of the semi annual report.

Commissioner Dever said at that time the Commission could have the opportunity to talk about an extension and not saddle future Commissions with this discussion.

Mayor Chestnut said in other words, place the SUP on the November agenda to review progress and at that point entertain the extension of the SUP depending on the progress.

Commission Dever said he concurred because it was reasonable and prudent based on his learning experience.

Moved by Amyx, seconded by Johnson, that as member on the prevailing side of the failed previous motion, to reconsider the previous motion adding the stipulation this SUP was on the agenda in November to look at progress and possibly entertain the City Commission's next actions to extend the SUP. Motion passed unanimously.

Vice Mayor Amyx asked if there were any concerns with the dates on the management plan.

Commissioner Dever said no, but frankly he thought those dates were too long and would like the plan done sooner, but everyone encouraged him that the plan would go quickly.

Vice Mayor Amyx asked if this management plan come back to the City Commission for adoption.

Mayor Amyx said yes.

Moved by Johnson, seconded by Cromwell, to extend the time period for Special Use Permit (SUP-10-10-09) for Lawrence Community Shelter, located at 214 West 10th Street/944 Kentucky Street, for one year from April 17, contingent on City Commission approval of a management plan at that location by June 17 by a supermajority vote, contingent on conditions No. 3-7 in the staff report and place the SUP on a November agenda for discussion. Motion carried unanimously. (6)

The City Commission recessed at 9:40 for 10 minutes.

Consider authorizing the Mayor to sign a letter to the Lawrence Board of Education

After returning from recess at 9:50 p.m., David Corliss said staff would address the letter to the President of Board of Education and members. He said staff was trying to be as quick and as responsive to the City Commission's direction last week.

Mayor Chestnut called for public comment.

Greg Vantello, English Teacher, said he had an interest in keeping all schools open. He said he wanted to assure the City Commission that there were viable options to close this budget deficit that did not include closing schools and that those options were not just coming from "Save our Neighborhood Schools", but from the district itself.

On February 11th, Superintendent Doll entertained questions from the public through the Lawrence Journal World. He said the final question that was asked from the transcript read:

"At this point, has your administration identified 4 million dollars worth of potential reductions that do not require closing schools?"

Superintendent Doll replied:

"Yes, those cuts would be very deep into programs and raise class sizes significantly."

He said the Superintendent was not talking about eliminating programs, but reducing the money that was allocated to certain programs and in better economic times, that funding could be increased and class sizes could be reduced by hiring more teachers. However, historically in

this town and in many towns, when closing a school, the school did not reopen and that was the position that many had taken.

He said Commissioner Cromwell stated that this might be a permanent solution, closing schools, to a temporary problem and was essentially their position. Even if it took up to two years for a school district to feel the improvement in the economy, that was short term.

Gwen Klingenberg, Lawrence Association of Neighborhoods, said she understood it was important that two governing bodies continued to be respectful of each other and appreciated that effort to correct.

As for the programs being cut deeply, there were a lot of things the “Save our Schools” people in the community were willing to do through their foundation by giving money to schools to help keep those programs alive and viable. She said when looking at deep cuts, she thought it would be found that the public would come forward and alleviate those cuts from being painful.

KT Walsh, Vice President, East Lawrence Neighborhood Association, said she was asking for City Commission support in sending a letter about not closing neighborhood schools.

She said she wanted to underline the comment about many people wanting to be taxed because they wanted to support their schools, but by law, they could not tax us anymore. She said there were people working to give the community a device to donate money to schools.

She said she was speaking as an advocate of not closing any neighborhood schools, but would discuss New York School, because that school was in her neighborhood.

She said “Save Our Neighborhood Schools” was a group composed of students, parents, grandparents, teachers, and many bright people. Some of that group was trained in finance, accounting, economics, and had managed large budgets in their daily jobs. The Superintendent and school board members had asked for community ideas and with the terrible job they were given, dealing with this budget shortfall

The knowledgeable volunteers from “Save Our Neighborhood Schools” had obsessively gone through the School Districts finance as the documents became available on-line. They

proposed two detailed alternate budgets that would not require closing any schools. They had found previously under discovered areas where the board could reduce expenses in areas where the board could recoup dollars from other funding pots. She asked the City Commission to google saveourneighborhoods.com and look at the alternate budgets. The common goal of everyone concerned was to hurt the fewest children and families with those cuts and to think about both the short and long-term consequences.

Neighborhood elementary schools represented a source of stored energy that radiated into each neighborhood. They act as stabilizers bringing in families to live near their school and allowing extended families to send generations of children to that school. This influx of young families was precisely what insured the long-term health of an area. Young energetic hope filled people who rehab houses, participate in the web of shared childcare, meals etc., and put down roots. As you know, many young families had moved to East Lawrence in the past ten years and some rent or buy and fix up their places. There were also fourth and fifth generation families who started and stayed in East Lawrence. In her 32 years in East Lawrence, many rental properties had been turned into owner/occupied housing, three national historic districts had been established, a plan to slice through the neighborhood was defeated, Hobbs Park was respected and improved, the only co-housing project in Kansas was built on Delaware Street, Tenants to Homeowner's was strong in East Lawrence and continued to build affordable accessible housing thanks to City funding. She said the City received a huge grant from the stimulus money to rebuild the historic brick street near New York School to provide traffic calming for the children.

One proposal was to increase the viability at New York School for example and other proposals that people brought up about increasing the viability of the five endangered schools by creating a dual language Spanish/English school that would draw students from all over the City. Superintendent Doll and some of the school board members recognized the need for a

dual language school, in Lawrence, to increase the jobs skills for students as the community enjoyed an increase Latino Americans in this State of Kansas.

Lastly, she asked the City Commission to consider increased cooperation in collaboration with the School Board and district. The school board and staff were being asked to act as de facto City planners because of the obvious affect of school locations on the health of their neighborhoods. She had been reading about towns and cities that were working with their school districts, using the hybrid approach to deal with sliced budgets. One example was a city in Massachusetts where the City and School District shared maintenance of one large building that housed a high school and a senior center comparable to this City's Fire Departments Senior Center, but school board and City rather than just City. Carefully considered shared uses could help everyone.

She asked the City Commission to ask the City's hardworking School Board members to choose the recommended alternatives and not close the neighborhood schools.

Vice Mayor Amyx said in listening to Commissioner Dever's comments, he assumed the first letter that staff prepared was off the table.

Commissioner Dever said he would say yes.

Vice Mayor Amyx said he and his wife selected Centennial School when their son was starting grade school because it was an extremely good school, but there was a decision to close that school and he realized the effects on that particular neighborhood. He said he would hate to see harm come to these neighborhoods that depend on the one designated central meeting place in those school buildings.

He said he suggested the Mayor signing the letter to the Lawrence School Board. Members of the school board were about to make decisions that would make a lot of people upset in this community. He said he encouraged the school board to make any school closing the last thing to be considered.

Commissioner Cromwell said he echoed Vice Mayor Amyx's comments. He said making permanent solutions for short-term problems was not prudent and clearly fell into the purview as City Commissioners in that the decision the school board made on this school closure issue and their budget issues in general, affected the City as a whole and therefore it was appropriate to weight in as many others and this letter stated the justifications for weighing in. He said he was in favor of sending the letter to the Lawrence School Board. He said he hoped the best of luck to the school board in their difficult decisions. No matter how it turned out, it was not good and no winning to those scenarios during these budget crisis. The ill effects could be minimized by trying to discourage school closures and this letter sent the message that message to the school board and he was in favor of passing this.

Commissioner Johnson said the school board members probably felt the pressure without the City Commission weighing in. He said he did not think the City Commission needed to tell the School Board how important the neighborhood schools were. He said he supported the School Board's deliberations and appreciated the situation they were in. He said he put a lot of thought into this letter and whether he could support sending the letter to the School Board or not. The problem with not endorsing the letter was that people perceived that as the City did not care about neighborhood schools which couldn't be further from the truth. He said what he struggled with was doing something like this, without offering up any solutions or assistance. In other words, the letter softened it from before, but it was still saying not to close schools. It was just lip service unless the City Commission let them know how the City could help, but he did not know if the City could. He said the City knew the budget issues this City faced with potholes and a lot of other things to deal with. He said there were a couple of sections that might be a little stronger that if the City could come out and say it as a City Commission. He said when a City Commission took this position stating they expected the School Board to do this, it should be backed, or at least expect to be put into that position at some point in the future that schools might be calling. He said he was in support of the spirit and supported neighborhood schools

and he wanted the school board to know that he supported their deliberations and would support any decision that the School Board came up with. He said that was the School Board's job and that was what they were elected to do and know the intricacies of their budget and challenges a lot better than he did.

Mayor Chestnut said the City was in a bind with the School Board and he made his intention known. He said he could not support as a governing body sending a letter to direct another governing body and it was a jurisdictional issue. He said he was a graduate of a neighborhood school in Lawrence and benefitted from neighborhood schools and supported those schools. He said he did not have the time to spend to understand all of the intricacies and the efforts the "Save Our Schools" had presented to the School Board because he had his own set of issues. He said he did not feel as a governing body that it was appropriate. He said he had a conversation with a prominent person from the State House and unfortunately they were bailing water out of a boat and next year there was going to be another hole the same size that would be in the bottom of that boat. The State legislature needed to get serious about some major consolidation in the school districts. It was a dialogue that people in communities like Lawrence needed to understand that there was a lot of school district around the State of Kansas that received twice as much funding per pupil as Lawrence did because those were smaller districts. He said it was a formula that did not work anymore. There had been several states that had mandated consolidation in order to accommodate this issue and thought it was time. Unfortunately, that was a discussion that was needed with their legislatures because it had a dramatic impact on the community. He said in principle, he could not support the letter to the School Board, but supported the sentiment of what the City was trying to do. He said from his part, he wanted to personally lobby the legislature to see what could be done to support some type of consolidation act in the State House and balance that boat at the Topeka level better. Unfortunately the Board would have the same discussion this time next year.

Commissioner Dever said he weighed how this body had taken action in written letters to the State, Federal Government, people who represented Lawrence that made decisions that were outside of the City Commission's purview, but affected this community directly. He said the City had written letters to the Kansas Department of Health and Environment, Westar Energy, and lots of other places to represent the people of Lawrence and likened this to a community voice. If the people of Lawrence email the City Commission and asked the Commission to do something, it was something to be considered. He said when he saw the letter he thought it might be inappropriate to direct the School Board. He said just like the City wrote letters to its legislators who made decisions for the City, he thought this was a very similar instance, but it was a little bit closer to home and it felt a little bit more uncomfortable, but he thought it was important for the City to weigh in on the issue whether it was paying lip service or outside the Commissioners purview. He said he supported 100% of what the School Board wanted to do. He said if the Commission was being asked by the citizens of Lawrence to consider to do something and they had written letters to other legislative bodies and gladly signed off in past.

Mayor Chestnut said he agreed that it was something that needed to be considered. He said when they were lobbying federal and state legislature it tended to be money that was coming directly to the City Budget and was that going to be compromised.

Commissioner Dever said they talked about smoking bans and all types of policy issues.

Mayor Chestnut said this was just a consideration and needed to look at individually which ones to weigh on and which ones did not.

Moved by Amyx, seconded by Cromwell, to authorize the Mayor to sign a letter to the Lawrence Board of Education. Aye: Amyx Cromwell, Dever, and Johnson. Nay: Chestnut. Motion carried.

(7)

PUBLIC COMMENT:

Hubbard Collinsworth, Lawrence, said he thought the City should do something, not only to help the schools, but the entire community and the homeless.

Michael Tanner, Lawrence, said regarding street maintenance, from his observations, for the entire winter, snow removal left much to be desired. He said most cities started prepping the roads before the storm came, but he had not seen the City workers do that. He said he was present to offer his services as Director of Street Maintenance.

He said he was directed to Clinton Lake because camping was illegal in town. He said someone in Lawrence had directed the park rangers to make his life miserable at Clinton Lake.

He said regarding the homeless issue that took 3 hours of discussion, he suggested using a timer for the City Commission.

FUTURE AGENDA ITEMS:

- 03/02/10
 - Approve request from the Public Health Board to amend Resolution No. 4957 and increase the Board membership from five to seven people. DRAFT New Resolution
 - Consider adopting on first reading, Ordinance No. 8467, redefining the term "structure" to explicitly exclude driveways and other parking areas and amending other provisions of the City's Environmental Code.
- 03/09/10
 - Consider approving Comprehensive Plan Amendment CPA-2-1-09 to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan. (PC Item 10; approved 7-0 on 1/27/10)
- ACTION:** Approve Comprehensive Plan Amendment (CPA-2-1-09) to Chapter 14, if appropriate.
- 04/06/10
 - Anticipated date to receive Planning Commission recommendation on Lawrence Community Shelter SUP to relocate the shelter to 3701 Franklin Park Circle.
- 04/13/10
 - State of the City Address and Mayoral Elections.
- May/June
 - Upon conclusion of 2010 Kansas Legislature, review and consider possible changes to City primary election law.
- TBD
 - Receive request for short-term meters on Massachusetts Street.
 - Receive staff memo regarding possible annexation of Westar Energy Center and adjacent properties. Additionally, staff is working on a memorandum discussing possible annexation of the Miller/Wells acres area.

Moved by Cromwell, seconded by Dever to adjourn at 10:25 p.m. Motion carried
unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF February 23, 2010

1. 2nd Read, Ordinance No. 8491 - Pedicabs within the City of Lawrence
2. 2nd Read, Ordinance No. 8489, for rezoning (Z-12/30/09) of 8.71 acres from RS7 to RMO located at 3312 Calvin Drive
3. 2nd Read, Ordinance No. 8490, for rezoning (Z-11-20-09) of 2.98 acres from U to CO located at 525 Wakarusa Drive
4. Development Code applications - Bowersock Hydroelectric Plant
5. Bert Nash –Amend Contract - three homeless outreach workers
6. 1st read Ordinance No. 8493, extend time period for Special Use Permit-Lawrence Community Shelter, located at 214 W. 10th Street/944 Kentucky Street,
7. Mayor sign letter to the Lawrence Board of Education