



DAVID L. CORLISS  
CITY MANAGER

# City of Lawrence

## CITY MANAGER'S OFFICE

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

6 East 6<sup>th</sup> St  
785-832-3000  
FAX 785-832-3405

### CITY COMMISSION

MAYOR  
MIKE AMYX

COMMISSIONERS  
ARON E. CROMWELL  
LANCE M. JOHNSON  
MICHAEL DEVER  
ROBERT CHESTNUT

April 20, 2010

The Board of Commissioners of the City of Lawrence met in regular session at 4:30 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Chestnut, Cromwell, Dever, and Johnson present.

### STUDY SESSION

The City Commission met in a study session to review the Comprehensive Plan Amendment CPA-2-1-09 to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan.

The Commission returned to regular session at 6:35 p.m.

### RECOGNITION/PROCLAMATION/PRESENTATION:

With commission approval Mayor Amyx proclaimed Saturday, May 8<sup>th</sup>, as Train Day; and the month of May as Bike Month; and the week of May 17-21 as Bike-To-Work Week

Commissioner Dever removed consent agenda, item 11, regarding an agreement for the Lawrence Indoor Aquatic Center, for separate discussion.

### CONSENT AGENDA

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to receive minutes from the Community Development Advisory Committee meetings of March 11, 2010 and March 25, 2010; the Electrical Code Board of Appeals meeting of November 16, 2009; and, the Sister Cities Advisory Board meetings of November 11, 2009, December 9, 2009, January 13, 2010, February 10, 2010, and March 10, 2010. Motion carried unanimously.



As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to approve claims to 235 vendors in the amount of \$1,611,512.93. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to concur with the recommendation of the Mayor and appoint John Studdard to the Lawrence-Douglas County Advocacy Council on Aging to a position that expires December 31, 2010; and to appoint John Ellena to the Retail Task Force. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to award bid for 3,500 tons of road salt for the Public Works Department to Central Salt for \$43.02 a ton or \$150,570 with an option for an additional 1,000 tons if needed for \$43,020, totaling \$193,590. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to adopt on first reading, Ordinance No. 8509, permitting the possession and consumption of alcoholic liquor on specified public property pursuant to the sidewalk dining license for 715, 715 Massachusetts Street. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to adopt on second and final reading Ordinance No. 8499, for Special Use Permit (SUP-1-2-10) for the City of Lawrence Pump Station 09 Wet Weather Storage Expansion, a minor utility, on approximately 8.18 acres, located southeast of West 27<sup>th</sup> Street and Crossgate Drive. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to adopt on second and final reading Ordinance No. 8517, allowing possession and consumption of alcoholic liquor at the Lawrence Public Library during the Lawrence Public Library Foundation fundraiser on Sunday, April 25, 2010, between the hours of 7:00 p.m. and midnight. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to adopt Resolution No. 6883, authorizing the Mayor to sign the application for the 2010 Emergency Shelter Grant from the City to the State of Kansas. Motion carried unanimously.

**(5)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to authorize the City Manager to execute the Professional Services Agreement with Hernly Architects for Historic Preservation Fund Grant No. 20-09-21822-006, a historic resources survey of the area north of Memorial Stadium. Motion carried unanimously.

**(6)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to authorize the City manager to sign a contract with Coffman Associates for a Master Plan and Airport Layout Plan for the Lawrence Municipal Airport in an amount of \$249,100; Authorize City Manger to sign grant application with the FAA for funding of the Lawrence Airport Master Plan. The federal government will provide 95% funding for this project. Motion carried unanimously.

**(7)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to approve and authorize the City Manager to sign a contract with P1 Group, Inc. for Project No. PW0930, City of Lawrence Public Library HVAC Improvements, in the amount of \$423,620 for library HVAC improvements, plus an additional \$12,800 for VAV boxes, for a total amount of \$436,420 provided the contractor can meet the terms established in the contract documents. The federal government will provide 100% funding of this ARRA project. Motion carried unanimously.

**(8)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to authorize the Mayor to sign a Release of Mortgage for Grace Hutchins, 1827 Alabama Motion carried unanimously.

**(9)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve temporary use of right-of-way permit for the Downtown Lawrence, Inc. for the Hy-vee Hawk Zone on 8<sup>th</sup> Street from Massachusetts west to the alley on Saturday, April 24, 2010 from 1:00 – 6:00 p.m. Motion carried unanimously. **(10)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell** to approve as “signs of community interest” a request from the KU Endowment Association for directional signs advertising the 2<sup>nd</sup> Annual Hawk Mud Fest Mud Volleyball Tournament on Saturday, April 24, 2010 in the center median at Bob Billings Parkway and Westbrooke Drive, both eastbound and westbound. Motion carried unanimously. **(11)**

Commissioner Dever said regarding the agreement for the Lawrence Indoor Aquatic Center, said from reading the staff memo and doing some investigation, the company the City was going to sign the lease with was a for profit corporation. He said this corporation wanted to lease space at the public swimming pool.

He asked if the City Manager knew if there was a precedent for the lease of city facilities, recreational facilities, on a long term basis, to a for profit organization.

David Corliss, City Manager, said there was not much history in leasing or renting of city recreational facilities to for profit organizations. He said that last week, the City Commission approved a similar agreement with Lawrence Aqua Hawks, which was a not for profit organization. In discussing that question with the Parks and Recreation, staff did not have much recollection of renting to for profit organizations. He said the closest he could come to was the relationship with Sport to Sport, where there was a need for outdoor ball fields, which he did not believe was continuing. He said there were a number of relationships with the school district where the City used their facilities and vice versa. He said that this issue was somewhat precedential in that staff had not done similar agreements with for profit organizations for long

term use. The City had rented shelters and community buildings, but those were usually one day events.

Commissioner Dever said this item should be deferred for study to determine whether the Commission wanted to set a precedent of leasing City public recreation facilities to private entities. He said his biggest concern was that leasing to private entities could be carried on to other public spaces for a private company or sell something out of a public building. He said if the Commission concurred to let that type of leasing happen that was fine, but wanted everyone to be aware that this would open the door to other requests of similar nature.

Mayor Amyx said, at one time, did the City rent out adult softball fields to private groups that held tournaments to make profit and asked if this was similar situation.

Corliss said it might be similar. The City had use agreements with softball and baseball tournaments, where those groups were using City facilities for two or three weeks for a particular tournament. He said he could not speak toward the for-profit status, but it was not the City's understanding that there had been a for-profit status for most of those organizations. He said staff could get the Commission additional information.

Mayor Amyx asked if this item needed to be approved at this time.

Jimmy Gibbs, Aquatics Manager, said the urgency was that Ad Astra Area Aquatics was not able to enter into the building without obtaining a usage agreement and there were children who were not able to compete.

Mayor Amyx said they were not allowed to use that facility because Ad Astra was a for-profit group.

Gibbs said that was his understanding.

Commissioner Dever said he wanted everyone to be aware of what was being approved and the Commission might want to defer this item for a week to review, prior to voting on this issue.

Patrick Norman, Ad Astra Area Aquatics, said the swim season had been active for three weeks. The local swimming community around the country had been practicing for three weeks with their club teams while the City's team was waiting to for this contract in order to practice. He said from a training standpoint, it was fairly crucial that the swimmers begin their training. The City's team had to do things on their own such as paying to get in to the indoor aquatic center on their own, or he would email a workout to his swimmers. He said the swim team had not had organized workouts and a swim meet was taking place next weekend that they all wanted to participate in.

Commissioner Johnson asked if something could be done, on a temporary basis, while the Commission studied this item as a larger policy issue.

Mayor Amyx said before the Commission allowed to contract with a for-profit organization, it needed to be approved by the City Commission.

Vice Mayor Cromwell asked about staff's opinion on the availability of those lanes.

Corliss said there was on citizen inquiry about whether or not this contract would impinge upon individual lap swimming, but staff said it would not.

Commissioner Chestnut said the status of the organization was one thing, but was an overall understanding how Parks and Recreation vetted out those request. There was only a certain amount of time the public had access. He said how was it determined by staff how much lane time to lease out.

**Moved by Johnson, seconded by Chestnut,** to approve a one week use of the indoor aquatic center by Ad Astra Area Aquatics, and to defer for one week consideration of a one year facility use agreement for the Lawrence Indoor Aquatic Center with Ad Astra Area Aquatics for the 2010 swimming season. Motion carried unanimously. **(12)**

#### **CITY MANAGER'S REPORT:**

During the City Manager's Report, David Corliss said the first quarter 2010 financial report was available; the City was not selected to submit a formal proposal for NEA Mayors'

Institute on City Design 25<sup>th</sup> Anniversary Initiative Grant; the 2009 / 2010 snow season was one of the worst in Lawrence's history; and, 201 building permits were issued in March 2010, compared to 144 in 2009.

Commissioner Chestnut said regarding the 2010 Financial Report, it appeared there was a short fall to address and did not want to look at it across the board, but rather make some priority decisions. He said he did not want to sacrifice the amount slated for street repair, maintenance, and mill and overlay because the City spent \$300,000 more in snow removal than what was anticipated. He said staff needed to make up for that short fall in other areas and make it balance. Those were policy decisions that needed to come before the City Commission. He said the Commission needed to be cognizant that they were asking the City Manager to come back with recommendations in order to make priority decisions.

Corliss said management staff would meet with different departments looking at their 2011 budget requests as well as their 2010 expenditures and budgets. Management staff would identify priority issues and what different departments could do without. Some of that might be structural, in the sense that it was going to be permanent. He said he anticipated that the 2<sup>nd</sup> or 3<sup>rd</sup> week in May, the Commission would see that information. He said staff was not proceeding with expenditures, such as the Director of Administrative Services position which combined with benefits was over \$100,000.00, and was not planning that position in future budgets. Public Works had an inspector position that the level of activity was not justified. Staff would identify major policy items and consequences.

Mayor Amyx said he wanted to consider this budget short fall before meeting about next year's budget. He said the City Commission helped in implementing priority changes and had the responsibility of making those hard decisions. (13)

## **REGULAR AGENDA**

**Conduct public hearing regarding a request by the Lawrence Convention & Visitors Bureau for a waiver of the restriction of the sale and serving of alcoholic liquor within 400 feet of a school or church, for the temporary sale of alcoholic beverages related to**

**the Tour of Lawrence, on the south half of the 600 block of Massachusetts Street, the north half of the 700 block of Massachusetts Street, the portion of 7<sup>th</sup> Street bounded by the alleys immediately east and west of Massachusetts Street, on July 2, 2010, between the hours of 6:00 p.m. and midnight; and the 700, 800 and 900 blocks of Massachusetts Street, and the portions of 8<sup>th</sup> and 9<sup>th</sup> Streets between Vermont Street and New Hampshire Street, on July 4, 2010, between the hours of noon and 9:00 p.m. consider adopting on first reading, Ordinance No. 8502, authorizing the temporary possession and consumption of alcoholic liquor on specified public property related to the event.**

Mayor Amyx called a public hearing to consider the request by the Lawrence Convention & Visitors Bureau for a waiver of the restriction of sales and serving of alcoholic liquor within 400 feet of a school or church and the temporary sale of alcoholic beverages related to the Tour of Lawrence.

Jonathan Douglass, Assistant to the City Manager/City Clerk, said the City Commission previously approved the Use of Right-of-Way for the race routes for the Tour of Lawrence. An ordinance was drafted, allowing possession and consumption of alcoholic liquor on public property for portions of the 700, 800, and 900 blocks of Massachusetts Street; and portions of 8<sup>th</sup> and 9<sup>th</sup> Streets between Vermont and New Hampshire Streets, on July 2<sup>nd</sup> between the hours of 6:00 pm until Midnight and on July 4<sup>th</sup> between the hours of noon until 9:00 pm.

The sale of alcohol within 400 feet of a school or church was prohibited unless the Commission held a public hearing and found that the proximity of the event was not adverse to the public welfare or safety and approve the distant restriction waiver. Staff notified all churches that fell within that 400 feet radius and received one comment that was not opposed to the sale of alcohol, but requested the applicant clean up any litter in the area afterwards.

Mayor Amyx asked in the past, had there been problems with the clean up after those major events.

Douglass said he did not think there had been any major problems with clean up in the past and was sure the applicant would cooperate to make sure clean up was done properly.

Mayor Amyx called for public comment.



After receiving no public comment, **it was moved by Chestnut, seconded by Cromwell** to close public hearing. Motion carried unanimously.

**Moved by Chestnut, seconded by Johnson**, to find that the proximity of the temporary event was not adverse to the public welfare or safety and to approve the distance restriction waiver, and to adopt on first reading, Ordinance No. 8502, authorizing the temporary possession and consumption of alcoholic liquor on the specified public property. Motion carried unanimously. (14)

**Receive staff recommendation regarding 2010 fire apparatus purchases. Receive letter from University of Kansas Housing Department contributing \$50,000 toward the purchase of one 100' ladder platform.**

David Corliss, City Manager, presented staff's recommendation concerning additional fire apparatus the City believed was appropriate to acquire. He said the 2008 infrastructure sales tax included language that allowed the City to use the sales tax proceed for purchasing fire apparatus and related fire equipment. The Fire/Medical Department put together a multi year plan to replace aging equipment.

He said some of the items in the memorandum that supported this recommendation were the multi-year plan for the spending of the sales tax proceeds that was subject to the Commission alterations and changes.

He said when discussing Iowa Street, next Tuesday, staff would make a recommendation to change some of the street priorities. A list that was provided showed the various apparatus that staff was recommending to be replaced over ten years. Also, funding from other sources was needed such as through General Obligation Bonds; Equipment Reserve Funds, and also a request staff made to KU.

Staff believed those replacements were important toward the reliability and safety of the mission that the Fire/Medical Department provided. In the 2010 Capital Budget, funds were set aside for the ladder and the engine and if issuing General Obligation Bonds, pursuant to the

general plan, it would not exceed the \$5,000,000.00 in any one year and allowed the City to generally keep its Mill Levy stable, regarding the bond and interest fund.

Corliss said in the 1980's, the City approached the University of Kansas to help with the acquisition of a ladder that needed repair, in recognition of two important facts about the University of Kansas. He said KU had a number of multi-story buildings and they were not on the property tax rolls, although they did contribute greatly to the community, just not through property taxes. He said KU was gracious enough in the 1980's to provide the City with \$30,000. He said that apparatus had lived its useful life and needed replaced.

Staff approached the University of Kansas again this year, and the university indicated to contribution of \$50,000.00 toward the acquisition of a new ladder, for which the City was very grateful.

Corliss said the cost of one engine was \$695,535.00 and one 100' ladder platform was \$1,183,923 which were steep dollars, but when buying fire apparatus, the City was essentially providing a rolling fire house.

Staff recommended that those expenses be paid by a number of different sources including: the half million dollars from the 2009 sales tax proceeds set aside for fire apparatus acquisition; \$50,000 from the University of Kansas Housing Department; issue debt pursuant to the City's debt budget of \$750,000; and, \$79,458.00 would come from the City's equipment reserve fund.

The recommended actions were to authorize staff to proceed with the purchase, through a cooperative contract.

Bill Stark, Lawrence Douglas County Fire Medical Division Chief, said there were two types of apparatus; primary apparatus and secondary apparatus. He said regarding the primary apparatus, when calling 911, fire/medical wanted to respond quickly at all times. All of the new trucks acquired would be moved to primary status for a number of years and the secondary unit

filled in for a primary unit when that new truck was down. Also, when bigger incidents arise, firefighters were hired and placed on a secondary group which became additional apparatus.

He said Fire/Medical's goal was to maintain the reliability of their apparatus and when replacing their apparatus, age, mileage, engine hours, maintenance costs, and the number of hours spent on maintenance were looked at.

Fire/Medical's primary 100 foot ladder truck was staffed regularly which could reach the dorms on Daisy Hill, Engle Road, Babcock Place, Vermont Towers, and Presbyterian Manor. Staff depended on a 1986 truck as their primary truck. If that truck broke down, there would be no more 100' trucks and staff had to quickly devise another plan.

He said some of the issues were that the manufacturers of the fire apparatus for the 1986 truck were coming out of bankruptcy and staff could not get parts for that truck. Also, staff asked a fire apparatus specialist about the value, but there was no value and estimated \$2000 when selling that truck. It was a nice truck if looking at it for non fire fighting purposes, but it was not very useful otherwise.

Stark said staff was working with the manufacturer. He said engines needed to be switched with the 2010 engines coming on board. Pierce Manufacturing bought a supply of 2007 compliant engines and staff had two of those engines locked in and would like to move forward. If not moving forward, the jump from the 2007 to 2010 engine was approximately \$50,000 to \$60,000.

Steve Stewart, Fleet Manager, said staff's biggest concern at the present time was Ladder 5 being out of service and staff was having difficulty getting parts needed to fix the stabilizer so that the truck could be put back into service which was a bigger concern even bigger than the cost of the repairs.

Mayor Amyx said the City was spending more than \$2,000 a year to service that truck that was the estimated cost of that truck.

Stewart said the ladder truck that was slated for replacement cost the City \$142,782 for maintenance and \$68,841 on the engine during the life of the vehicle. Maintenance on fire trucks was expensive, but when seeing numbers that high, it was time to look at replacing the unit.

He said that from staff's perspective, fire trucks run constantly when out on the street, even if it was sitting for an inspection because the computers were needed and to start the truck to respond to a call. If looking at the engine wear on those two truck, using industry standard numbers, provided by Ford, the hours of engine use on the pumper was equal to 237,000 miles of driving and the engine hours on the ladder truck were equivalent to 287,000 miles. There had been a good run of service from those vehicles, but those trucks needed to be moved on.

Commissioner Chestnut said the memo indicated going with Pierce Manufacturing and referenced the Houston/Galveston Area Council, that council of purchases had negotiated with a lot of vendors, and when talking about Belton, Bonner Springs, Johnson County and Kansas City Kansas, those were in that cooperative and did not know what equipment they had bought.

Stark said those cities had bought apparatus from the same manufacturer that was identified in the memo.

Commissioner Chestnut there was not a lot of comparison to anything as far as other manufactures, long term maintenance costs, profiles and every thing else, so it made it difficult. He said he knew the equipment was needed, but it would be nice to go through the process because he was sure there were other vendors that were comparable in quality, but did not know how that compared.

Stewart said E-1 Manufacturer was the other major manufacturer that produced ladders and they were from Florida. Staff had some experience with their units through other cities in this area, Kansas City Missouri and Olathe, both purchased several pieces of their equipment over the years, and had purchased some of their apparatus off of the Houston/Galveston contract and their costs were considerably higher. He said that the biggest drawback to E-1 as

a vendor was the closest dealer was a four hour drive away. Staff ran into the same type of thing with other manufactures and all of their facilities were in Nebraska, Iowa, and Texas and made it difficult for staff to receive a timely repair. He said the Pierce dealer closest to us was less than an hour drive.

Commissioner Chestnut asked if the Fire/Medical's two ladders trucks were from Pierce.

Starke said the 1986 was an LTI which was bought out by another company that was in bankruptcy now and the 1998 was bought in Nebraska.

Commissioner Cromwell said both of those trucks were not Pierce Manufacturing.

Stark said correct, the 2006 ladder that ran out of Station 1 was a Pierce ladder.

Mayor Amyx said along with that 2006 ladder truck, staff would be able to receive parts.

Stark said there were many advantages to Pierce and staff had studied all manufacturers. E-1 was another company that was in bankruptcy right now. Pierce had been doing fire apparatus for over 30 years and that manufacturer built from the ground up. He said when a problem came up one phone call was made to deal with the situation whereas, other manufacturers built their truck using ordered parts from other locations. Pierce had blue prints to trucks the City bought in 1988 and were able to help staff fix trucks.

Commissioner Chestnut said the analogy was good, but were in the Lexus/Cadillac range and did not know the difference in cost between that and a Chevy and sometimes we needed to look and see if the trade-offs were there. He said it would be nice to look at those numbers, at some point.

Mayor Amyx said it was important to recognize the contribution of the University of Kansas and taking the time to research buying the best equipment possible that could be maintained as well as the availability of parts. He said he believed staff had done all the appropriate research and appreciated their work. He said Commissioner Chestnut was correct in that it was about transparency and staff knew what they were doing forward and backward. This was a great opportunity for this community and without the election for fire apparatus, 1 ½

years ago, those purchases probably could not have happened. He said it was important to upgrade that equipment.

Mayor Amyx called for public comment.

Hubbard Collinsworth, Lawrence, said he greatly appreciated what staff had. He said if this was an upgrade to a 2010 or 2011 engine and ladder or was it an upgrade to a used vehicle with less hours.

Corliss said it was a brand new vehicle that would essentially be built from scratch, but would be using the 2007 engine. The engine was not used, but it was that type of engine. If going to the more recent engine, it would be more expensive because of a number of different requirements in the engine.

Stewart said essentially the way the law was put together on the 2010 emission package for EPA was that all engines built January 1, 2010 and after had to be compliant with the new emission controls. Any engine that was assembled, where the crank shaft was installed on the block by December 31 was still legal to use in any 2010 or 2011 chassis produced during 2010. Pierce had a few engines that were assembled, but were not installed into units, which was what we are working on in this package. To go to the 2010 package would cost an additional \$60,000 and honestly, the 2007 engine package was now a proven package and gave excellent emission controls which was a deciding factor, in that they could keep the carbon footprint down and still save the city some money.

Mayor Amyx said he thought they needed to proceed on replacing 1986 and 1988 vehicles. He said when hearing that maintenance costs were in the \$140,000 range in the last year which was a little over 10% of the purchase price, and the City was on board to buy.

**Moved by Cromwell, seconded by Dever,** to approve purchase off the HGAC Cooperative Purchasing Contract and authorize the City manager to execute agreements with Pierce Manufacturing, Inc., for the acquisition of one (1) Engine in the amount of \$669,535 and one (1) 100' Ladder Platform in the amount of \$1,183,923; and to adopt Resolution No. 6884,

authorizing the issuance of \$750,000 in general obligation bonds for the fire equipment acquisitions. Motion carried unanimously.

Mayor Amyx offered special thanks to the University of Kansas Housing Department for their contribution to the acquisition of the ladder apparatus. (15)

**Consider approving a Special Use Permit, SUP-1-3-10, for the establishment of a Temporary Shelter for the Lawrence Community Shelter, approximately 4.15 acres, located at 3701 Franklin Park Circle. Submitted by Lawrence Community Shelter, for Franklin Business Center LLC, property owner of record and adopt on first reading, Ordinance No. 8500, for Special Use Permit, SUP-1-3-10. Because a valid protest petition has been received, a super-majority vote (at least 4 votes) is required for approval.**

Mayor Amyx asked that speakers limit their comments to 3 to 5 minutes.

Toni Wheeler, Director of Legal Services, said the City Commission was considering a Special User Permit Application for a specific tract of land and would be operating in more of a quasi judicial nature, rather than a legislative nature. The City Commission was required in a quasi judicial proceeding to recognize and adhere to due process requirements.

Under the law, the basic requirements for due process were notice and an opportunity to be heard in a meaningful manner at a meaningful time and for that reason, it would be appropriate for the City Commission to disclose any communications the City Commission had with parties outside of this meeting on this Special Use Permit Application.

While the Kansas Courts had clearly stated that ex parte communication were not unlawful or improper, it was recommended the Commission disclose those communication to be part of the record. It was helpful for the people to hear whom the City Commission heard from outside of this meeting and what information was provided so the public knew what information was presented to the City Commission in case the public wished to elaborate or declare a matter.

Vice Mayor Cromwell asked if it was necessary to enumerate those comments individually or sufficient to state that he had contact with both staff and individuals who were

supportive of the relocation, developers and individuals who were opposed. He said none of the information that either side gave was unique to the material that were provided in the packets.

Wheeler said it would be helpful to summarize what the proponents said on one side and those that opposed what was said so that if there were any question, the people wanted to rebut or offer additional evidence, it could be done.

Mayor Amyx said he met with Don Huggins and Loring Henderson, Lawrence Community Shelter, and discussed on the fourth floor of City Hall, the covenants that were brought forward by the Franklin Business Park owners and trustees and discussed his reasoning for offering the deferral of this item from last week. He said he visited with Steve Glass and Roger Johnson from the Franklin Business Park and they provided him with the covenants that were placed on this property.

He said he received over 300 emails and could not begin to name all of those people that composed those emails. Comments were made both “for” and “against” this issue and hoped those discussions would happen in this forum. There were very good points on either side regarding this being a land use matter and would be the way he would run this proceeding.

He said he had discussions with City staff, City Manager David Corliss, Margene Swarts, Assistant Director of Development Services, and Chad Lawhorn, Lawrence Journal World, contacted him by telephone.

Again, the comments he received were from people that were trying to give him information from both sides of this issue, in order to make a decision.

Commissioner Dever said he had conversations with Loring Henderson directly, PDO Investors who was being represented by Todd Thompson and Roger Johnson, Steve Glass, both of which asked for a meeting to explain some of the issues regarding the covenants associated with this property that he was previously unaware of. He said he had discussions with several residents that called and some of those residents did not necessarily identify themselves, but might have quickly.



He said he had responded to some emails, back and forth, conversations regarding land use at the property, covenants, management plan, and most importantly, alternate locations. He said he had conversations with the City Manager regarding a suitable, alternate location and potential City property as well as a variety of discussion about other possible locations with all those parties.

Commissioner Cromwell said he had received hundreds of emails and would not summarize those emails, other than those emails were “for” or “against” the proposed site. He said he did not find anything particularly different from what was seen in their City Commission packets. He said he did have a face to face meeting with Steve Glass and Todd Thompson regarding the covenant issue as well as some alternate sites and that information was vetted out in the documents that were public. He said at this point, he met with Loring Henderson, LCS, discussing the management plans and the concerns of covenants. Again, he had numerous conversations that were well summarized in the packet of materials for the City Commission which included alternate locations, management plan issues, and those sorts of things were the most common themes presented.

Commissioner Chestnut, as Mayor, said he had several meetings with Loring Henderson, LCS, and several members of the board in talking about the plan at Franklin Park before it was disclosed to the public and there was discussion about their plans. He said he had several email conversations with Henderson on some of the issues with the covenants and several meetings, one in his office at Allen Press, with John Tacha to talk about next steps in fund raising.

He said he met with Bill Newsome, in his office, to talk about alternate sites and very clearly much of his correspondence was posted. He said he talked to Todd Thompson and Steve Glass on some of their concerns and alternate sites, again, documented pretty well in the correspondence.

He said he received hundreds of emails and a number of phone calls, very much in line with the issues and the information the City Commission was going to discuss.

Commissioner Johnson said besides the hundreds of emails he received, he talked to John Tacha over the phone about his concerns; Brad Finkeldei, Chair of the Lawrence-Douglas County Metropolitan Planning Commission, about input during the Planning Commission discussion; Glen Sheridan, Salvation Army, on how they addressed this situation and concerns about the Management Plan; Chad Lawhorn, Lawrence Journal World; Greg Moore, Planning Commission; Dianne Ensinger, CEO of the Ballard Center, where they discussed coordination of services and LCS reaching out to the social service community; Shirley Martin Smith about her role and the role of the Community Coalition of Homelessness. Katherine Dinsdale, Community Commission on Homelessness, and he met at his office because Ms. Dinsdale wanted to hear his concerns; Don Huggins and Loring Henderson a week ago in his office for concerns about the management plan; Roger Johnson, to hear issues about the businesses and his investments and what it would do to the area; and, Bill Newsome with information that he presented.

Mayor Amyx said he also met with John Tacha about the fundraising and he brought up the management plan, Katherine Dinsdale about his concerns with the project.

Commissioner Dever said he also talked to Chad Lawhorn; Lawrence Journal World, Bill Newsome, directly regarding communications sent to the City Commission; Brad Finkeldei about interpreting the Planning Commissions decisions regarding requirements for a bus route and other stipulations; also, Don Huggins and John Tacha about the Shelter.

Commissioner Johnson said he contacted Sue Hack, Director of Leadership Lawrence, Lawrence Chamber of Commerce, for background.

Sandra Day, Planner, said this particular special use permit was made up of 3 different parts, site plan, floor plan, and management plan, dealing both with the use, generally and specifically as it applied to the property.

Temporary Shelters were a type of community facility and included both day and/or overnight uses providing those day to day services, such as mail, telephone, computer access as well as social services counseling, job training, and other types of supportive services.

The proposed applicant LCS was proposing a full time 24/7 facility that included housing, meals, and service elements. Staff had a summary of uses provided and the specifics were outlined in the management plan to detail the full scope and range of their uses associated with this particular project.

The property was located in the southeast area, immediately surrounding uses included the Douglas County Jail; Hillcrest Wrecker and Garage, to the east; storage companies to the north, both concrete and asphalt plants to the northeast and undeveloped parcels.

The existing zoning was PID (Planned Industrial Development) that was a district from the old code and was a designated zoning district, in the new code and included a variety of uses, among them community facilities, professional offices, limited services, auto sales manufacturing, and other types of industrial uses.

The PID included 52 acres of which this particular proposed use would be located in what was known in the development plan as phase 2, Hillcrest Wrecker was the first phase and there were about 40 acres remaining that were undeveloped.

One of the questions that came up during the review and during the Planning Commission discussion had been the amount or impact of the proposed use on the industrial land in the area. This was an analysis of the industrial area as it pertained, generally, to the southeast area and included the Farmland Property and the East Hills Business Park, together that added up to just under 900 acres of which the subject property was 4 acres which was less than a percent of that total acreage of industrial land that had been designated in various plans.

There was a request to look at the property in relationship to the southeast area plan and highlighted where that subject property was in relationship to other designated uses and

this use was an expansion of that community services or facility uses, the jail being the predominant facility in that area.

One of the questions that came up was the use in an industrial district and much of that discussion occurred through the adoption of the text amendment that allowed temporary shelters in the industrial district. Two key drivers of locating the shelter had been: 1) to be away from single-family residential; and, to be out of the downtown areas. The land use pattern had a significant portion of the Lawrence community as single-family and included a small portion of duplex and was that lowest density residential land use. She said taking two of the land use out of the mix and was left with commercial and industrial land uses that were predominately along the major corridors.

An element of the review included the Community Commission on Homelessness and the plan that was adopted by the City Commission in 2005. There were a number of purposes to that plan that were outlined and a housing vision was adopted in 2007. That included a 5 prong approach to providing housing for Lawrence's most fragile population of this community. Those emergency housing options were captured under the shelter and temporary housing categories, transitional housing, permanent supportive housing and ultimately permanent housing in general. The providers of that included in the emergency shelter category was Lawrence Community Shelter as the provider. Temporary housing included, Family Promise, the Housing Authority, and Women's Transitional Care. The transitional housing category included: the Housing Authority, Salvation Army, and a jail re-entry program. Permanent supportive housing and the Lawrence Housing Authority and ultimately traditional rental support or other types of homeownership option, section 8 housing, public housing options that might be used for ultimately that permanent housing element of this plan.

The site plan review included both an analysis of the subject property and its floor plan, but also a comparison to how it related to its current site. Staff found this was a valuable

exercise for staff to understand the use of space and the impact on the success of a potential project.

She said staff was talking about a small piece of ground in their existing location, moving to a 4 acre ground that would provide many different opportunities for this particular proposed use and removing from a residential zone to an industrial zone. Some of the distance to various uses increased with this location which went back to the Commission's discussion about transportation.

The current site had little separation between public and private space and had been a criticism of the project and there was little opportunity to provide those residents with a outdoor space and certainly a limited amount of open space areas in that immediate vicinity of that property.

The floor plan of the current shelter included approximately 4,000 square feet on the first floor and a little over 2,000 in the basement. What was unique to this property was that space was co-used for both the daytime and sleeping and there was no separation of that space and limited private office space which had an impact on how services were provided to an individual if needing an amount of privacy in this current space.

The proposed property, in Franklin Park, was an existing structure and there was much greater separation between public and private space and had sidewalks on both sides of the street along that main frontage. There were opportunities, in the rear, to provide designated open space, the exterior and could be screened, well controlled, and provided that opportunity to have that outdoor experience, in a very controlled environment.

The designated outdoor area included a 6 foot fence with substantial view reducing materials, and a separate yard for the family space from the individual space. Loitering had been specifically prohibited as part of the site plan and became an enforcement mechanism that loitering was not allowed in the front areas.

Within that floor plan, not only was staff required to look at that allocation of restroom facilities and number of beds, this particular plan provided very distinctive spaces within that building to meet those sleeping and eating, job creation and social service provisions that were intended for this program.

There was collaborative office space within that building and specifically designated medical area to provide those basic services, offices, for various service providers to meet with clients and to provide that service, hoping to reduce the number of trips, off-site that were required for that client, to bring those services as much as possible to that site.

There was a jobs program and the ability to expand that jobs program, within that structure. There was also the kitchen and dining facility that allowed those services to be provided to those clients, there were 3 meals a day, the meal program was intended for those individuals that were staying at the shelter. The Drop-In program element that was in very early iterations was no longer part of this project.

The most updated management plan on the City's website had gone through more language changes to clarify, very specifically, other elements that had been discussed.

Some of the highlights of that management plan was those meals were being served to the guest staying at the shelter, the elimination of the Drop-In Program in that this was a dry shelter. The dry shelter was defined as part of the management plan and specifically stated that guest must not drink, possess, distribute alcohol, or controlled substances. The night shelter did allow, in this iteration and she believed was still the case, if someone was inebriated, that person still had night privileges. During the day time if someone was under the influence, that person would not be allowed.

Transportation was a significant concern expressed by the Planning Commission and staff spent a lot of time meeting with Bob Nugent, to talk about those options. Ultimately, the decision on how to provide transportation did rest with the City Commission and there were two pieces of information that were needed by staff to be able to structure that response. One of

those pieces was to know the specific location of the shelter and to also clarify and define what were the perimeters or needs because the City's bus system did not run overnight. Any individual that was a shelter resident that was stabilized, yet into a permanent shelter might have a night or third shift job and had to get to and from their business and the shelter did work with those individuals.

Pedestrian circulation was also a significant concern and staff tried to look at what some of those implications were looking at the distance of the most typical services that shelter clients would be looking at such as DCCA which was a relatively close service located on 23<sup>rd</sup> Street, Lawrence Memorial Hospital, as well as a concentration of services around 19<sup>th</sup> and Haskell. She said downtown as about 3 miles away and the United Way Office about 5 miles away.

Possible routes depended on where that person was choosing to walk, there were a number of completed sidewalks, but there were certainly those gaps, further out on east 23<sup>rd</sup> Street. Depending on how someone moved through a particular neighborhood was an independent choice and was difficult for staff to try and project one specific pedestrian path.

The location of the subject property in relationship to various parks, Mary's Lake, Prairie Park area, downtown, and a number of different schools, was that same kind of distance depending upon someone's perspective. This was not a threat that staff found in the particular analysis.

Conditions of approval included the publication of the ordinance, revision of the site plan to include some notes, submission of an annual report to the City Commission that continued in frequent communication with the Commission, about how the use was functioning and what the uses, were they in compliance with the granted approvals, and the site plan performance agreement which was a standard agreement seen in most projects.

The Planning Commission's recommendation included a 5<sup>th</sup> condition which was a bus stop be within a reasonable distance, prior to actual occupancy of the building for use.

This project included a protest petition, meaning that the board would have a required four-fifths majority vote in order to approve the request and a minimum of 20% property was required to be a valid protest and it was founded that 63% of the properties were in protest.

The Planning Commission forwarded to the City Commission a Special Use Permit request, for a recommendation for approval.

Commissioner Dever said if staff could touch upon the correspondence that was posted regarding the City's knowledge, the existing covenants on the property and whether staff was aware to get it out in the open.

Day said restricted covenants were not a part of staff's review and the City's Legal staff was available to answer that question.

Commissioner Dever said there had been some insinuation, comments, emails, and letters that had been posted and he was curious, if staff was aware of this existence.

Scott McCullough, Director of Planning & Development Services, said he could answer the questions about when staff became aware of this issue. He said there was a comment made at the Planning Commission meeting that there were covenants and staff did not receive anything until just recently, which was early last week, that staff had a chance to look at the language of the covenants.

Loring Henderson, Director of Lawrence Community Shelter, said the following:

"I am here this evening to describe some of how the Lawrence Community Shelter will operate at the new Franklin Park site. The new location will bring an improved shelter to the Lawrence community with enhanced programs doing the same kind of work – providing a path to a positive future – it has been doing on a lesser scale in its current small building. I want to say, also, that I realize that the relocation of the shelter has become an increasingly controversial subject in recent weeks and I apologize for any way that I contributed to that escalation of tension. I believe that we all want a shelter that will work on the problem of homelessness in our community in the best way possible and everyone, in their way, is working to that end.

The Lawrence Community Shelter Management Plan is always a work in progress, always under review to accommodate improvement and growth of the LCS programs and the care we offer our guests. The Management Plan describes how LCS is implementing its role in the Vision for Housing the Homeless as developed by the Community Commission on Homelessness. Emergency shelter is the first step in the Vision and it links to other stages of



housing and other resources to move families and individuals out of homelessness and into permanent housing. One of the new features of the Management Plan for the Franklin Park site is the Good Neighbor Committee which may review and amend the Good Neighbor Agreement and LCS Management Plan as a way of promoting good relations with the shelter's neighbors.

The public image at LCS has always been confusing, difficult, and challenging in that the Lawrence Community Shelter has provided a variety of services in its limited space at 10<sup>th</sup> and Kentucky. It has been both the drop-in center and the shelter with programs but limited food service. The new facility will be a shelter with its related programs to get people out of homelessness through case management and full food service. It will continue to offer the same programs it has now – housing, jobs, benefits, intervention – that will be enhanced in the larger space. There will not be a drop-in center with people coming and going at the new shelter and the new shelter will provide all of its own food service for three meals a day only for people who are checked into the shelter. LCS currently serves cereal and coffee breakfast and a full evening meal prepared by volunteers and brought in. The new shelter kitchen with three meals a day will help to provide several work opportunities for guests as part of the daily volunteer schedule that each guest must work. In addition, we hope to have a grant funded year-round related staff position to teach and lead the shelter guests and staff in green living practices of recycling and gardening.

One of the frequently asked questions about the proposed new location is how guests will get back and forth to services in other parts of Lawrence. The LCS transportation plan for the new site consists of a potential new bus stop near the shelter/Douglas County Jail, trips to and from destinations with the LCS van, and increased use of new office space inside LCS by collaborating agencies such as SRS, CLO/FYI, Kansas Legal Services, ECKAN, City funded Outreach Workers, Heartland Medical Clinic, Health Care Access, and other groups to reduce traffic in and out of the shelter. LCS works closely with many other groups now but our small space limits what they can do with clients at LCS. The new location will allow the already named visiting groups plus others such as Baker University to set up a medical clinic, family preservation groups to have classes, and SRS and RADAC and the Housing Authority to have privacy when meeting with clients.

In addition to actually having beds to sleep on rather than mats on the floor, perhaps the most exciting aspect of relocating the shelter is the potential for growth of the LCS jobs program. There will be about 8-9,000 sf in the new building assigned to the Good Dog! Biscuits and Treats entrepreneurial small business project, the Back-to-Work job development project, and several other possible work projects that have already contacted LCS with serious inquiries about sharing the space and hiring guests of the shelter in different training, temporary, or permanent capacities. We are excited that ECKAN has expressed interest in relocating the Just Food food bank to the Franklin Park location as a potential collaborative project providing cooperative work for LCS guests and better physical space for an important, relatively new Lawrence agency.

When the Lawrence Community Shelter moves it will be a different organization while continuing to do the same thing. In the first quarter of 2010, LCS moved 17 people into permanent housing and helped 10 people find permanent employment. This is the kind of work that will be ongoing. The new shelter will not look the same, the crowds will be removed from in front, but the programs will still be there. LCS will still work to save lives and reducing homelessness in Lawrence and Douglas County will still be its goal."

Don Huggins, President of LCS Board of Directors, said LCS was fortunate to have a smart dedicated Board of Directors that were well trained and experienced staff that operated Lawrence's only emergency shelter. Their board members come from various backgrounds, including business owners, executives, educators, clergy and other professionals and ordinary people that just wanted to make a difference. The same could be said with the campaign steering committee that had come together to lead everyone through a fundraising campaign, so LCS could have the type of facility it needed to continue and expand its efforts to move people out of homelessness.

He said they were present to urge the City Commission to decide favorably upon their SUP request for the Franklin Business Center Facility that was located just east of the Douglas County Jail. The Jail in Franklin Business Center as well as about 40 additional acres was part of a development area, managed or owned by the PDO Investors.

The reason why LCS favored the Franklin Business Center site as a future home had already been given to this City Commission, Planning Commission and many others and he would not repeat those reasons. However, they were not the first to suggest that that area would be a good site for a controversial special use.

In 1996, the Chairman of the Douglas County Commissioners said that they had done everything they could to select a site that had as little impact as possible. In 1996, that area was a rural in nature, yet neighbors had their concerns, some said they expected their property values to fall and safety concerns to increase as a result of the County's decision to put the jail in their backyard. In 1996, it was the location of the jail that was creating a firestorm of controversial and debate. LCS was not surprised that many of the same issues were reappearing regarding their wish to locate at that location. In fact, people then and now were uncomfortable reducing the inventory of industrial sites for a public project. The Lawrence Community Shelter facility would only reduce the available land for industrial development of about ½ of one percent. Also, building appearances were also an issue 14 years ago and

neighbors did not want an ugly building and certainly not an ugly jail. This was fully appreciated and since the jail property was part of the PDO investor development area, a set of private covenants was associated with the purchase contract.

An April 1996 Journal World article stated that the covenants contained guidance for setbacks, screening, lighting and other aesthetic considerations which would restrict a development of the counties 22.4 acres which was the jail complex of which about 10 acres were in use by the jail, in the 47.5 acres immediately to the east.

LCS fully appreciated the pros and cons of their wanting to relocate to the Franklin Business Center site. Their board unanimously agreed that this site was a very good site for LCS and the Lawrence community and they urged the City Commission to approve this Special Use Permit request.

Commissioner Chestnut asked if their board had met with any of the representatives from PDO Investors or trustees regarding the plans for the site.

Henderson said the board met with Todd Thompson and Steve Glass twice and talked about uses and plans for this site regarding the management plan and the activities in that area. He said they also met with Bill Newsome.

Commissioner Chestnut said, but nothing formal had been presented.

Henderson said there were not formal plans at this time.

Mayor Amyx called for public comment.

Henderson said when the board met with those trustees they did have a rough floor plan which showed offices, work areas, sleeping space and things of that sort.

John Matthews, resident that lived one block west of 25<sup>th</sup> and O'Connell, Prairie Park Neighborhood District, said one thing that was more than prevalent, as far as the City budget, was snow removal, street maintenance or the fire department equipment. He said in a time of a recession, this would be poor time to expand this community shelter. He said the 2006 Budget showed \$392,000 and projected an increase to \$515,000 which was an increase of 31%. The

Homeless Shelter could budget whatever they wanted, but when coming down to City tax dollars that was where the community had a voice and needed to step in.

He said he looked at the 2008 and 2009 payments and the City was very generous with Shelter dollars. The vendor payments for Salvation Army were \$91,000, and the Shelter was \$79,000, more than \$170,000 combined was given to those two entities alone. He said 2009 Budget was no different. He said combined the Lawrence Community shelter and the Salvation Army was \$215,000 and the community shelter was the larger part of \$158,000. He said as far as an expansion, he did not think the City could afford it. He said there was 25,000 square feet on .27 acres which was more than 16 times the size with 4.15 acres.

The City was funding a case manager at \$36,000 and if the Shelter was increasing their capacity, it seemed natural the Shelter would ask for more whether it be Personnel and other types of things because more services would be provided.

Deanna Taylor, property owner at 3700 Franklin Parkway, said they also owned and operated Hillcrest Wrecker from that address. They worked hard for what they had and nothing had ever been given to them. She said her husband and worked long and hard hours and gone without sleep 2 and 3 days in row to maintain what they had. They had gone through inflation, high gas prices and equipment breakdown. They obeyed the laws, paid their taxes and done what they knew to be right.

Their property at 3700 Franklin Parkway was a big part of their retirement. If this shelter was approved, no one would want to buy that property and the value would go down and 35 years of hard work would be lost.

They were a 24 hour wrecker service, the customers and employees came in and out at all hours. She said their employees worked hard to support their families and they deserved to be safe. If a customer needed to pick up a car, after hours, they deserved to be safe.

She said if a homeless person was turned away or decided to leave the shelter, she asked where that person would go, but straight through their property or back through the

residential area where children were playing or families were sleeping. She said she knew Henderson stated that he would take those people to their destinations, but those people did not have a destination.

She said because of the crime alcohol and drug abuse, destruction of property, and public urination, the downtown area was trying to push the problem to their front yard. There had to be a better solution.

She was asking the City Commission to have consideration and compassion for them and the Commissions vote would affect their future. She asked the Commission to vote "no" on the proposed shelter site.

Herman Leon, Vice President of LINK, (Lawrence Interdenominational Nutrition Kitchen), but was not representing LINK, said for a while he was the Shelter Director of the Salvation Army and had been a veteran of those meetings for a long time. A lot of the comments sprung from a point of view of a national cultural conscientious that there were two sides. He said if they wanted to go to sides, he said the City Commission was the third side.

Over the years, many good commissions had pondered those troubled issues about which many people disagree and many had personnel stakes. He said he had been impressed that Lawrence had kept alive a creative spark when it came to government in a period of time, the world around them seemed to think that government could no longer function. He said the issue tonight, was could the City Commission of Lawrence still function because for at least 10 years some of the most successful, brightest, and caring people had put time and effort into how to engage this issue with the City Commission. He said what the City had now, was a crystallization of 10 years of development and included among other things, just locally, the disappearance of the Salvation Army from serving homeless people for reason of its own. He said there had only been one group of people, who had consistently stepped forward despite all of the conflict to try to build something. As a neighbor of the shelter, when he and the volunteers looked across from LINK, which represented 50 or 60 congregations, civic groups,

youth groups, and high school groups, knew a lot of people from this town who had bad luck and many of them were literally mentally ill and were not being cared for by the State as they used to be. He said what should be done with those people if they went down the road of taking sides there would always be side that stated "not in their backyard" or an unfortunate belief that it caused a drop in value of real property.

The issue was that for over 10 years, one group, the Lawrence Community Shelter, and its leaders that took abuse even more than the City Commission and the things that were said about some of the leaders were very unfortunate in this type of discussion.

He said he wanted to call attention to the editorial that was in the Lawrence Journal World, today, and the editorial strongly recommended, after reviewing all the pros and cons, and giving due respect to everything, advocated the City Commission approve this SUP as a step forward while the community continued to work on how to solve the problem of the homeless. Short of drastic extinguishing of the homeless, this was the only path forward to creation of something better.

Dudley Crow, Lawrence, said he had been involved with the Lawrence Community Shelter, what was the Lawrence Open Shelter from its beginning, but was not as active as he was and went down to the LCS frequently.

He said he saw the growth of the shelter and what Henderson had been able to do and if there were saints in Lawrence, Kansas, Henderson happened to be one of those. He saw the reports and the number of people that had been helped and moved into full time jobs and housing.

He said regarding the gentleman who made the statements about the budget, he could remember vividly when they were spending less than \$50,000 and praying to get money to operate. He asked the City Commission to support this move.

He said he was a bit conflicted because he knew the owner of Hillcrest Wrecker and considered the owner to be a personal friend and hoped there was a way to work out something that worked well for Hillcrest Wrecker as well.

Karen Heeb, speaking on behalf of the 18 homes and landowners on North 1300 Road, between O'Connell Road and 1700 East and all of those people that had property within the Southeast Area Plan. First, they wanted to be sure the City Commission had an opportunity to read their letter with questions and concerns about the relocation of the Lawrence Community Shelter to 3701 Franklin Park Circle.

Mayor Amyx said yes.

Heeb said in summary there were 3 main issues; 1) distances; 2) safety issues (crossing K-10 and the industrial traffic within the park; and, 3) additional transportation costs to individuals that might be at the shelter and to the City for providing bus transportation.

The consideration of a SUP for the establishment for a temporary shelter for the Lawrence Community Shelter was sprung upon their area. They discovered that location was being considered through an article in the Lawrence Journal World. Neighbors called her and indicated the need for action. They contacted Henderson and had a meeting on February 3, 2010. She said Henderson had the best intentions, but there were a lot of unknown and unanswered questions about LCS, if the shelter was to move to the proposed location. They also attended the neighborhood meeting on February 25, 2010, but still many unknowns and unanswered questions.

At the meeting on February 25<sup>th</sup>, Henderson and his staff said they would be meeting with other landowners. There were still specific people with whom LCS said they visit and had not which was a lack of planning, time management, commitment, and follow through. Only after the unfortunate incident, on March 28<sup>th</sup> which involved a conflict between a man that hired a homeless person, did Henderson visit with one of the business owners in the Franklin Business Park with the intent of reassuring nothing like this would happen in their area.

One of the suggestions made at the February 25<sup>th</sup>, meeting by some of the LCS staff was that this location would make more people more available in their area that they could hire to help them on their properties and/or in the businesses that was located in Franklin Park.

She said Henderson stated that it would be the same plan with more room, that was a major concern, yet had stated that things were going to change with a larger facility. She said her experience in the field of education over the years lead her to believe that a new location was not going to change the situation of the problem of homelessness. Children and families change schools and believed a different location would make things better. More often than not, it was not the location, but rather the problems they carry with them that created the difficult circumstances.

Also, increased numbers up to 125 people for sleeping would be even more challenging and asked if this meant there could be even more during the day.

They hoped the City Commission had the chance to read the article why choosing streets over shelter which at one point which was on the shelter website.

Some of them supported Family Promise and worked at LINK to help serve and provide food. One of her classmates from grade school went through LINK and they had the opportunity to visit a number of times and her classmate preferred being homeless and chose this lifestyle a number of years ago and did not want the structure of the shelter nor being with some of the people who had major problems at the shelter. Her classmate found odd jobs to do and took care of himself just because they lived a certain lifestyle did not mean everyone wanted that.

Many of those who preferred the street would remain downtown where things were more convenient and loitering would continue to be a problem at either location and would not go away. Moving the shelter was not going to resolve those situations.

Those people that lived within the boundary of the Southeast Area Plan began working back in 2003 on what would be a satisfactory way to meet all the needs and ideas for this area. They could not agree on how the land should be developed and zoned and spent over 5 years



agreeing to disagree because of the various backgrounds and interest. They finally came up with a plan in May of 2008, after rejecting several others, that was amenable to all of them. The current southeast area plan was unanimously approved by the County Commissioners, 3 out of the 3 and the City Commissioners 5 out of 5 and was a major accomplishment. Now, in a time period of less than 4 months, individuals wanted to secure a special use permit for the location at 3701 Franklin Park Circle. Those who developed the Southeast Area Plan were going to scrutinize any development within this area that required a special use permit whether it be a homeless shelter or whatever would require that type of permit, if it required a SUP then it did not fit into the original planned use for that area. Unanimous approval by both the City and County Commissioners for the southeast area plan would seem to support this. They wanted to protect this area by adhering to the Southeast Area Plan and many had held this land for over 50 years and not only had invested financially, but literally with blood, sweat and tears into the making of their homes, businesses and the future for which they had planned. Just because there was a willing seller and a willing buyer did not make allowing the Community Shelter in that location, the right thing to do. Once a building was sold the seller was out of the picture and did not have to deal with any of the consequences.

As for the comment that pledges from the community for the Lawrence Community Shelter might be rescinded if the SUP did not pass, if the donors hearts were in the right place, they would roll up their sleeves and help find a location that would truly serve the best interest of Lawrence and the Community Shelter. They felt it was inappropriate and unacceptable to issue a special use permit for the relocation of the Lawrence Community Shelter to 3701 Franklin Park Circle, and strongly and sincerely request the City Commission deny it.

Mayor Amyx asked for the names of the 18 properties that she represented.

Diane Huggins, Lawrence Community Shelter staff, said she had two wishes for this evening's meeting. The first was for the City Commission's unanimous approval of the Shelter move to Franklin Park and the second and most important wish was for all who speak against

the shelter who had not visited the shelter or know the circumstances of the guest who lived at the shelter, please refrain from derogatory or stereotypical statements against the homeless and the staff that worked hard for the homeless. She asked that people speak from a truly informed point of view.

Brad Cook, Social Worker for LCS and Co-Chair of the Coalition for Homeless Concerns, said he was there to speak in favor of the SUP for Lawrence Community Shelter at Franklin Park.

Lawrence Community Shelter provided a valuable resource to this community and its residents. As a community it was vital that they at the very least offer all of their respected members a safe place for this shelter. The new building would offer more space and would allow the shelter to do what it did better. There had been times at the current location where he had been unable to have a personnel conversation with individuals, due to crowded conditions.

Also in discussion of this issue, the topic of safety of individuals, specifically females, he was a field instructor for the University of Kansas for the School of Social Welfare and had female students the past few years and there had been no incidence involving those college age students.

In the discourse of this entire issue, time and again, not just with the City Commission, but the Planning Commission and the community in general, was the issue of Douglas County residency. He said he was against that concept because their compassion did not stop at the Douglas County line, but bound by the commonality of their shared human existence. He said they were all on this planet together and should not exclude anyone who wanted change in their life.

He said the staff that operated the shelter was among the finest group of persons he had ever had the fortune of knowing. If any group of persons could make this work, shelter staff was the people that could do that.

It would be a wish that no community had the need for a shelter, but sadly in this day and age, they did need one and this community had an issue that needed to be resolved.

It must be remembered that while they were all united in common humanity, they were also unique individuals. They all progressed toward change and advancement of being at different rates. He said depression, addictions, and disabilities could not be resolved overnight. Individuals experiencing those conditions would not have the chance to succeed if they were ignored today and forgotten tomorrow. It took great time and resolve, to change one's life and giving up on anyone was never an option.

It was not any ones place to judge others for perceived lack of their expedition change, everyone was different. Understanding and acceptance took far more time then fear and anxiety, but infinitely more rewarding.

The city had a homeless population therefore, the shelter was very necessary. There were poor and vulnerable persons who were standing at an over crowed facility that could not do what it desired, due to the limitations of the building. This was ultimately about providing shelter, dignity and respect to all fellow human beings

Andrea Gillip, Bachelors of Social Welfare Intern at the Lawrence Community Shelter, said throughout the school year, she had the opportunity to build a great rapport with many of the guests and close friendships with the LCS staff, it was very disheartening to hear the bad rap that LCS and the guest they served received. Those guests were very friendly and very caring. Never in her internship had the guest ever made her feel uncomfortable or threatened. She said she received nothing but warm welcomes and gratitude every time she showed up. In her opinion there was no one more deserving than LCS staff and guests to be approved for the Franklin Park site. She said she whole heartedly supported the SUP application and Management Plan for this site and hoped the City Commission would support the application and plan too.

Katie Jones, Master of Social Welfare Student of the University of Kansas, said this past year she was completing her internship with Lawrence Community Shelter and found this agency was dedicated to advocating and promoting social justice for those who were experiencing homelessness. The shelter's perseverance was enduring and the guest was being positive and hopeful through the bleakest of times. She hoped the community's fear could be replaced with compassion and embrace the vulnerable. She said she supported the SUP application and the Management Plan for the Franklin Park site.

Gabe Robles, Lawrence, said he and his wife were homeless last year and was just given a full-time job, temporarily. He said their experience at the shelter, which was the Salvation Army and the other shelter was that it was ran poorly. He said his wife was assaulted and they were constantly threatened verbally. He said because of his past, being an old school gangster, they were able to avoid confrontations. This type of action was currently happening because of the lack of response from the Human Rights Commission. There was disrespect and ridicule from people that knew they were homeless which he thought also had to do with his race. He said he and his wife were born again Christians and did not drink, smoke or do drugs.

He said as far as the Franklin shelter, the same people that ran the shelter are the people applying for the new location and would probably make the same decisions made in the past. He said it all sounded good, but when experiencing it, it was a completely different story.

Pam Arnold said in January 2008 she was homeless, her children were in foster care, no jobs were in sight, and she was actively using drugs. She said she went to LCS and in February 2008 she stopped using, but was not, however, on the path of recovery, just drug free. In March 2008, everyone she knew had given up on her, including her parents. She had hit her lowest and could go lower, yet people who did not know her and had no reason to believe in her, gathered around her and told her how to get back on her feet, how to get a job, find a place to live, and get her children back, but she could not believe it was possible.

She said first, she was shown the path to recovery and they walked with her. LCS had helped her not only get clean, but how to stay that way. In May 2008, she was working a full time job and in September 2008, she moved into an apartment, January 2009, she was having all day visits with her children and in May 2009, her kids came home for good, December 2009, she received custody of her children.

She asked if anyone thought she could have done this without Henderson and the shelter staff, she said there was no way and she would be dead by now. She said the shelter had supportive programs in which she attended.

She said Henderson and staff did more for her than getting a her job, a home, getting her children back, and getting her in the path of recovery, they gave her something no one could or would, which was "hope". She said the shelter gave hope to every single person in that shelter whether staff, guests, volunteers or students.

She said she was asking the City Commission, for her family and herself, to support Henderson and what he was attempting to do.

Brian Blevins, affiliated with the Lawrence Community Shelter for approximately 6 years, said when he came to the shelter, he was a capitalist, republican, and a right wing conservative who was hired as the head of security for the Shelter. He said 3 years later and 3 years of college at the University of Kansas, had changed his politics somewhat. He said he had a tremendous amount of empathy for the business owners and understood where those business owners were coming from because he spent most of his life in business for himself. There was one thing that kept him in everlasting ignorance which was contempt, prior to investigation and assured the community that it was not what it seemed. He said make no mistake, there were people that drove him crazy and clients that make him want to pull his hair out, but for the most part, most of the people he had met, were people that had some problems that kept them from functioning well in society and just had not quite figured out what was wrong and some had pretty severe mental disorders and personality disorders, but those people were not dangerous

or harmful, they were just people that had problems. He said this was a country that solved problems and this was a big problem. There was no easy answer to homelessness, but there were no easy answers to the federal budget either, but they were still trying to balance that budget and they were in the same boat.

He said they were not moving to attempting to move to a new location to house more homeless, but wanted to fix this problem. He said Henderson and staff believed they could make a difference and solve those problems that existed with homelessness, but it would take work and effort. He said he headed security at the Shelter for 3 years and they were not a dangerous group of people.

He said he quoted: "By nature man hates change and seldom will he quit his old home till it is actually falling around his ears."

He said a reporter was interviewing A.J. Muste, who during the Vietnam War stood in front of the White House, night after night with a candle. The reporter asked Muste if he was going to change the policies of this country, by standing alone, at night with a candle. Muste said he did not do it to change the Country, but did it so the Country did not change him.

He said change was inevitable, but change for the better was a full time job.

Angela Jones said she was the spouse of a deployed army officer, Department of Defense employee, and an MBA Student at K.U. She said through the M.B.A. program she had the opportunity as service learning project in one of her courses which was with the Lawrence Community Shelter. Through that program, she met staff, volunteers and Henderson and talked a great deal about this organization. Since that time, she, her family, and several of their friends had other encounters with the LCS and none of those encounters, including her young niece never been at unease, or threatened. She said LCS clients treated her with dignity, the way everyone should treat anyone else.

She had never been disappointed with any staff member, they were capable, professional, and always ready to help. She said Henderson had made an even bigger

impression on her. While working on a service learning project, Henderson exhibited his extraordinary talents as a personnel manager, skills as a social worker, and his attentive business practices. Henderson would get to know staff, volunteers, support agents and even each resident as much as possible. He said when he familiarized himself with that person, Henderson understood what was required to reach and deal with that person.

She asked the City Commission to support this request for the Lawrence Homeless Shelter.

Steve Braden, a landlord who worked for the Amtrak at times, said he realized this was a necessity to have a homeless shelter, but did not believe a business area was a place for the homeless shelter.

Jerry Taylor, owner of the property at 3700 Franklin Park Circle, said he was the owner and operator of Hillcrest Wrecker and Garage. He said he had been in Lawrence since 1961 and owned Hillcrest Wrecker since 1974. He said for 35 years, he, his wife, and employees had served Lawrence 24 hours a day, 7 days a week, 365 days a year in any type of weather. He said he had always been an advocate to keep people employed and had trained a lot of people in 35 years. He said they worked hard and 10 years ago they intentionally selected a piece of property in an industrial district to build Hillcrest Wrecker and Garage. It was built deliberately to accommodate a wrecker service, storage yard, and a garage.

He said he had a concern that the word “temporary” was more permanent with expansion in the future. A homeless shelter, directly across the street from Hillcrest Wrecker and Garage would seriously jeopardize their chance for the future that was planned and would devalue the property. He asked the City Commission to vote no on relocating the homeless shelter at 3701 Franklin Park Circle.

He said he believed there would be a lot of foot traffic. He said the costs alone would prevent everyone a ride and a bus route would add to those expenses.

Beth Wilkinson, Secretary of the Community Commission on Homelessness, and was an unemployed teacher, but taught in Montessori schools. One of her mentors in education was teaching as a Montessori teacher and Maria Montessori was one that developed the whole psychology of education in Europe in the 19<sup>th</sup> Century and worked with homeless children. When she moved to Lawrence and saw that there were homeless children, it was appalling and she started to go to some of the meetings. The environment was amazing and she set up a Montessori play station and the only place she could set it up was in the basement. She said that space needed to be expanded and children should not be around people that were desperate and feeling isolated and there should be a lot more focus on the entire psychology of supporting the children. She said she worked as an advocate for children.

She said she had gone to workshops for the homeless and saw the type of environment. There were programs the State needed to start developing for the homeless and there was no state policy, in Kansas, in working with the homeless. She said there needed to be legal actions.

She supported the SUP and asked the City Commission to support Henderson's efforts. Also, the City Commission needed to look at some of the state programs throughout the different states in the Midwest in Iowa, Minnesota, and Illinois because those states had great policies. This community needed to support the homeless and treat the homeless with respect.

Bernice Vervynk, property owner and taxpayer in the area, said they lived in the same place for over 25 years and did not want their property to lose any of its value. She said she and her husband request that the City Commission deny the request.

Bill Vervynk, property owner and taxpayer in the area, said what was more important to the City Commission, the property owner and taxpayers or a handful of homeless.

Judy Sweets, Lawrence resident, said she asked that the City Commission approve the current proposal for the temporary shelter at Franklin Park. While no shelter was ideal, and everyone might not agree where the shelter should be, she thought everyone would agree that



the community needed a larger, more suitable shelter and soon. The proposed Franklin Park location seemed to be the most ideal of any proposal so far and they could not afford to wait. This should be the community's top priority. She said she was asking the City Commission to approve the Franklin Park Shelter.

Mark Holter, Lawrence homeowner and taxpayer, said he had been involved in homelessness since the 1980's and worked in Indianapolis, New York City, Michigan and somewhat involved in Lawrence. He said he was also a professor of social welfare at KU and homelessness was one of his areas.

He said the comments to the editor and LJW and comments tonight made it sound like a lot of folks were choosing homelessness as a way of life. He said what was seen, when looking nationally, was that homelessness was the tail end of poverty and was an indicator of the greater disparity that was seen. He said it was important to keep in mind the type of homelessness that was seen at this time, did not exist before the early 1980's. There was a structural change going on in the economy and some people were more prone to be affected by that than others. He said what they were seeing was with less to go around; homelessness was like a cruel game of musical chairs and knew from the start that some people would be left without chairs in the new economy. The homeless were disproportionately made up of people who had a smaller social network to rely on such as veterans, those aging out of foster care, disabled, and victims of domestic violence. The other thing to keep in mind was that homelessness tended not to be a permanent condition, but a temporary condition and people moved out of homeless and go back to be productive members of the community.

The constant search for the right location for the shelter was expressed in terms of safety concerns, because everyone had the right to live safely as those of us who lived in this County and happened to be homeless. In fact, what he had seen in his research and other searches was that the homeless were much more likely to be victimized than those who were

housed. He said to those who wanted to reject the shelter because of safety concerns, he submitted that they could not ensure their own welfare at the expense of other people.

Elizabeth Stephe, Lawrence native, said Lawrence was a great area with tons of diversity and acceptance. She said she was the family program case manager and worked with homeless families and their children.

She said years ago, when there was no Lawrence Community Shelter, there was still a problem of homelessness. There were people precariously housed throughout the City, doubling up in houses and living in tents and cars.

She said currently there was room for 10 people in their family area and in Douglas County there were at least over 30 homeless families throughout the family and homeless could mean precariously housed.

She said there was Family Promise in Douglas County which was a fantastic resource, although Family Promise was faith based funded and had very limited available for families. While they were a great a resource, they were only one of two and the Shelter was the other.

She asked that the Commission not think of the homeless people who rob and did horrible things, but to think of families who had fallen on hard times and families that wanted to make a difference in their lives and the those single individuals who were trying their hardest, but were those kids at one point, learning a whole new lifestyle all over again.

Alana Winter, downtown shopper and worked with homeless people, said the current shelter was inadequate to conduct interviews do the personal things that needed to be done. For the property owners that were fearful, she generally worked with 6 men, some of them large and had never been harmed or threatened.

Also, for the people that were worried about, "not in my neighborhood" or "not in my business", Wheatfield's Bakery and Douglas County Bank did great downtown and they were a hop and a skip away from the homeless shelter.

Katherine Dinsdale, Chair, Community Commission on Homelessness, said they could not call people to accountability if there was no way to foster accountability. The City of Lawrence convened first a task force, in 2003 and a Commission on Homelessness in 2005 to implement a plan for solving the problem of homelessness in this community. The Commission had the plan and was approved unanimously. Without an emergency shelter, they could not offer many of those in the community, a way back, by a step by step process to stability and health. She said tonight, the City Commission could just vote “yes” and could choose to make that way back, a reality. That was the advice of the Community Commission on Homelessness, a ten member group of service providers, business leaders and owners, and law enforcement officials which was the advice of the Planning Commission and City staff and thanked staff for an excellent job of assembling information.

Those who know the issue best believed that Franklin Center was the best place for this community’s emergency shelter.

She said she wanted to address the business owners and potential neighbors of LCS at Franklin Center. She said she knew several of those owners and neighbors and knew they cared deeply about this community and asked that they simply say “yes.”

She said she also represented Family Promise of Lawrence and directed a house that her church ran for formerly homeless, mentally ill women. Those organizations both depended on LCS to keep families safe, until those families could be served and moved into housing. She asked that their approved housing vision be put into place and get on with the real work at hand which was getting people and families housed.

Lindsey McCaig, President of the Prairie Park Neighborhood Association, said she was the voice of the majority of the neighbors she had spoken and surveyed that were in opposition. She said Henderson had mentioned that no one wanted the shelter and there was no good place. She asked that the City Commission get to the root of the problem and figure out why

was it that no one wanted it in their neighborhood. She said they should work on those problems first before expanding the property, bringing it to their neighborhood.

The concerns the neighbors had were that the location was so far away from services and that would result in increased foot traffic and loitering. The proposed facility would sleep 125 people, but the annual report stated that 55% of those people had substance abuse problems and people who were under the influence were not allowed to be at the shelter location, during the day. She asked where those 69 people would go who were kicked out of the shelter during the day.

She said the shelter was 1.2 miles away from Prairie Park and the nature reserve, which was 72 acres of heavily wooded area and posed a huge threat to a fragile area of town that were already struggling. LCS served two groups of people and the group that she had a problem with, was the group that did not really want to get out of homelessness and abused the City's generosity. There were people who really want help and need those services, but the Shelter was only serving 2 or 3 families right now.

Only 7% of the people in the Shelter in 2009 got a permanent job and 8% moved to permanent housing and she did not think that demonstrated success. One of the problems was the CCH's outcome was based on the number of people serviced and not percentage of successful placement, but the number of people that were homeless. The number of people the Shelter served as not an incentive to get people out of homelessness. There needed to be a more measurable way of judging this and their success.

Overall, the majority of their neighborhood was opposed to the SUP, because the management plan needed to be tightened down. She said the Shelter only had one meeting with the neighbors in that area. She said she offered to be involved, but no one had taken her up on her offer. She said she had a hard time believing there was going to be an open dialogue with their area. As of the last Planning Commission meeting, they had never spoken to Jerry Taylor who was right across the street. She said there was a communication problem and LCS

needed to demonstrate the changes and stop the Drop-In, stop the loitering and prove to the area that they could be a good neighbor.

Hubbard Collinsworth said while he supported some of the housing vision of CHC, he could not offer support to LCS as a plan for three reasons:

1. Had not proven through his association as a guest of theirs that they could handle the responsibility;
2. Had not addressed any of the covenants issues; and,
3. Transportation issues.

Matt Eichman, one of the owner's of Midwest Concrete Materials, operators of the Redi-Mix facility, said people had discussed concerns about their safety regarding the homeless people, but there were also some safety concerns with this particular location to both real property and the guests of the proposed facility.

As an operator of industrial business, he was heavily regulated by many federal and state regulatory agencies and OSHA being the foremost. He said his employees had been through quite rigorous training programs and yearly refreshers to make sure they knew how to move around the place safely, how to operate the equipment and which areas they should and should not be in at any given time.

Already, with the 6 months they had been on the site, he had seen trespassing and foot traffic coming from the jail, through their site to get out to the highway. He could only assume it was people on a work release program because they saw those people leave in the morning and ride back to the jail, in the evening. He said their concern was that with the greatly increased population that this facility would bring, that they would have more people moving around their equipment, after hours when they were not present to see it or to move people off-site or getting into the facility itself.

People could get hurt on many of those pieces of equipment even if that equipment was not moving and than there were moving parts on the plant itself and a person was in the wrong

area when the plant was turned on, they could not check to see if someone could possibly get hurt.

He currently had a site in downtown Manhattan that saw foot traffic because there was a walking path that went along the levy of the Kansas River and they already had some issues with finding homeless people crawling into the cabs of their equipment at night and had caused some minor damage. This site, if approved would have much more individuals in the area than the downtown Manhattan site and could only surmise that he would experience more vandalism, a potential for individuals to get hurt.

He heard a lot from people, both “for” and “against” this site, but this issue was about land use. As a whole, most people could agree that a homeless shelter was needed and that the City needed to provide services for people, but it came down to this site was not the correct site to do so.

Steve Glass, Lawrence, said there had been some confusion regarding Roger Johnson and Bill Newsome, and they were not members of PDO, but adjacent landowners, Johnson owned land to the north of the proposed site and east, and Newsome owned land to the west. Unfortunately, they both had trips out of town, but had communicated with the City Commission either verbally or in writing and for the most part the comment he would make were reflective of their feelings.

Secondly, he wanted it understood that speaking for PDO, they were not opposed to caring for the homeless, but were concerned from a land use perspective and the standpoint of the impact if this facility on the proposed location with the impact of adjacent properties, including people such as the Taylor’s who ran a small business and had made substantial investments and were concerned about the impact.

The covenants had been enforced since 1996 and during that period there had been only one change to those covenants and that was a change to the name of the park, made in 1997. He said the covenants were long standing covenants and no new covenants were

written. He said those covenants applied to this property, just like the other properties in the park. They had raised covenant issues with the Shelter representatives and wanted to make sure covenants existed and had not raised those to prejudge any application they might submit.

The question had been raised by other property owners as to whether the proposed use complied with the covenants, but as one of the trustees, they needed the required submittals which were clearly stated in the covenants, before it was determined.

Finally, he wanted it understood that they had an obligation to enforce the covenants fairly and uniformly on all properties within Franklin Business Park and that was certainly what they intended to do.

He said regarding the management plan, they had received at least 3 different versions of the management plan, including a revised version that was just received immediately before the Planning Commission meeting and now another revised version, that was put on the City's website, yesterday, late morning or early afternoon. None of those revised versions provided any indication of the changes that had been made, so they were required to do a line by line analysis, to try and determine what changes were being made. They understood that the City Commission had requested the shelter improve the management plan, but he felt the City Commission also had a responsibility to the public, to ensure the document was provided far enough in advance for people to have time to thoroughly review it.

In addition, he had concern that despite the multiple revisions of the management plan, during the Planning Commission/City Commission process, the neighbors had never been given an opportunity for any input. This certainly did not create a feeling of trust on the part of the neighbors.

He said he had several specific concerns with the management plan and its attachments. The opening sentence of the management plan stated it was a work in progress, always under review. He said while he understood the need for on-going improvements to any such plan, he did not find any provision for City Commission or public review and comment on

changes. Any action the City Commission took, or some night in the future, regarding this SUP was going to be partially carried out under a potentially ever changing management plan.

The good neighbor agreement seemed to impose almost as many requirements on the neighbors as it did on the shelter and felt that as potential neighbors, they were entitled to know how well this agreement had worked at 944 Kentucky, particularly from the view point of the participating neighbors. He said if he could be given a list of the current neighbor members of the Good Neighbor Committee.

He said Section 6, of the Good Neighbor Agreement stated it might be changed or modified from time to time upon mutual agreement of the Lawrence Community Shelter and a public process, with its neighbors. The Good Neighbor Agreement and the Management Plan were always works in progress. He said he believed the agreement needed to provide specifics as to how changes would be made and that process needed to start with making revisions to the existing plan, before the City Commission approved the SUP.

He said in his email of April 19<sup>th</sup>, he provided three potential alternative sites, each of which was a better site for the Shelter than the Franklin Park site. In addition, he had since been made aware of another potential site and sites keep coming up, many of which had ever been considered by the Shelter.

He said he was asking the City Commission to defer action on the SUP request for 30 days to allow the shelter to investigate those sites and they offered their assistance in this process. He said the relocation of the shelter was a major community decision and was more important to do it right than it was to do quickly.

Commissioner Chestnut asked who were the other two trustees.

Glass said Howard Hassler and his sister, Lora Glass.

Todd Thompson said the issue was not whether the City should support homelessness, that issue was helping to alleviate homelessness and was beyond debate. The issue was a



land use issue and whether this was the appropriate site for what would probably be the single SUP for a homeless shelter in the entire City of Lawrence.

Integral to that decision was the management plan. He said he spent some time trying to compare the management plan that was posted and there were numerous changes. If the City Commission believed the management plan was crucial to their decision, then they could not be prepared tonight to approve this SUP. The management plan needed a great deal of ferreting out and vetting before that plan was ready and ensure there were not detrimental effects on neighboring property owners. Enhancing the management plan was not wasted time regardless of where the next shelter was located the management plan would be an integral part of the SUP that was given to LCS. If a couple of weeks or a month were taken for fully vetting that management plan, that was not time lost to LCS, but benefit LCS and the entire City of Lawrence, in the long run.

The amendment to allow an SUP for a homeless shelter in industrial zoned land did not mandate that the City Commission approve an SUP on any tract of industrial zoned ground for which an SUP was requested, but merely allowed it, if all of the other conditions and considerations could be met. For example, if it was over in a corner of a particular industrial area and transportation was such that there was not a great deal of inter-mixing of the pedestrian traffic of the shelter with concrete trucks and other heavy trucks of industry, then it might be perfectly appropriately to put a SUP at that location. This location was in the middle the industrial park and right next to a concrete facility with heavy trucks, so the balance was tipped against it being a proper location for this SUP, but again, when the City Commission decided allow SUP's for shelters on industrially zoned ground, it was not said any industrial lot would work, but stated there might be some industrial lots that would work.

It had been suggested in the staff report, that the shelter was not appropriate in single-family areas or downtown. He said he suggested that a property ran shelter with a good fully vetted management plan could be located anywhere in the City. He said some areas would be

better than others, some will receive less resistance than others, but there needed to be a management plan that would allow the shelter, wherever it went, to serve the needs of the City and create the least amount of resistance and problems for the neighbors of that shelter.

The existing development plan for this particular park, did not allow hotels or motels. The City of Lawrence, deemed at the time the property was zoned, that it would be inappropriate in the middle of this industrial park to have an intense, residential type use with people coming and going. He said 125 people did not stay at the Eldridge Hotel, 125 people, if there were multiples to the rooms would fit in the Oread perhaps, but this was a highly intense residential use. If a hotel and a motel was deemed by the City to be totally inappropriate over 10 years ago when this park was created, that still was the case and made no sense to put in the middle of the park, a highly intense residential use.

PDO, its members and the neighboring property owners had not been involved with this effort over the last several years to find a new location. They had offer to become involved and to assist LCS in getting a location that worked for it, not an empty steel building that had no air conditioner, very few walls, needed almost a million dollars worth of work inside to make in habitable and serviceable for LCS's use.

He said he thought the City Commission would be wise and would show leadership to take PDO up on the offer, instruct LCS that there were better alternatives. In the next few weeks, he suggested finding and securing those better alternatives. Even the City had the opportunity to make a building available in the old Farmland building. He said why raze that building when there was almost 18,000 square feet of space across K-10, closer to services, and on a bus route.

The City could follow the Health Care Access model where they paid \$1 a year in rent for a City owned building. Health Care Access grew, exercised good stewardship, and today it owned its own building over by the Hospital, Bert Nash, and a number of other facilities, a service cluster and a better location for this facility as well. Again, he asked the City

Commission to follow that mode, make that building available to LCS for \$1 for the next 5 to 7 years, because no development was going to happen on that Farmland site in the next decade.

Mayor Amyx asked what the procedure was when going before the trustees at the business park.

Thompson said they were suppose to before submitting, plans to the City. Arguably, not until they applied for a building permit would be arguable. They were and raised the issue because they did not want to see LCS travel down a road that was not fruitful for anyone. He said he did not want to see, 6 months from now, LCS starting over. They would like to assist LCS right now, in getting in the right place.

Diane Etzel Wise, Executive Director of the Kansas Statewide Homeless Coalition, said she attended many of the meetings with the City Commission regarding homelessness. She said she was in support of LCS. She was also the balance of State COC (Continuum of Coordinator) for the 101 counties in Kansas, including Douglas County and excluded the other 4, tier 1 counties which were the suburban and urban counties of Wyandott, Johnson, Sedwick, and Shawnee.

She said she would encourage the City Commission visit the Shelter on behalf of staff and the guest. It was a very crowded place, but it was also a very caring place.

She had an extended family member staying at the Shelter who had a challenging severe mental illness, was able to get the support she needed, and was a happy resident of Lawrence, working part-time and contributing back to the economy of Lawrence. Again, she supported the LCS request.

Sally Bartlett, Case Manager at LCS, said homeless people were the most vulnerable and least fortunate in this society. As a community, they could not wait year after year for the perfect location for the homeless shelter. They were responsible for those who needed them the most, the disabled, mentally ill, those with addiction, and those that just needed a helping

hand were counting on LCS and needed them now. She supported the work of the LCS, the SUP, and the Management Plan for the Franklin Park site.

Susan Green, Lawrence, said she fully supported the LCS. She said she was one of LCS guests not too long ago, but through their perseverance and their wiliness to work with her, she was no longer part of the homeless community. She was a success story for the LCS, but she was still a diamond in the rough and LCS was still working with her. She asked the City Commission to vote in favor of the SUP.

Simran Sethi, Associate Professor in the Journalism School and worked with the LCS, said people often understood the issue of homelessness in terms of individual failings or choice, or the idea of people choosing to be homeless, rather than understanding it as an indication of systemic challenges that people faced which was evident by some of the comments received.

The homeless were not a monolithic population of people. They were multi-faceted individuals who care for their children as much as society cared for their children. She said the homeless wished for love and hoped and dreamed of a better life just like everyone else.

The people at risk for becoming homeless were the very poor, those who existed 50% below the poverty level and the personnel vulnerabilities that increased the odds of living in poverty, resulting in subsequent homelessness which included physical and mental illness and substance abuse. This was not the full face of homelessness and was not the full face of homeless people. About 25% of adults who experience homelessness had been through the foster care system and as a result, had fewer safety nets than the rest which included those who had served this country. Veterans made up 25% of the homeless population, only though they comprised 11% of the total population.

To bring it back to the local context of people who were helped by LCS, 70% who were Douglas County residents, mirroring those national statistic with one exception and that was the increasing number of homeless families, homeless families that were crammed into a facility that were sleeping on mats on the floor because they had no other place to go. No one wanted

this for their children. They were all pained to know that there were homeless children in every one of their Lawrence Public Schools.

She said she recognized the tremendous challenge in responsibility the City Commission had to serve the safety of the entire community and humbly requested that included those who were made more vulnerable, due to a lack of a home.

The assumption that being homeless made a person a hoodlum, was unfair and she would not have allowed her students to work at the Shelter if she believed otherwise.

In the middle of a recession, they were experiencing the highest rates of unemployment that they had in decades and even those who had homes and had strong safety nets, were unable to find work. The Shelter staff was stretched thin, but they were still trying to reach out to constituents in every part of this community.

She said she urged the City Commission to uphold the Shelter's efforts and to treat everyone with dignity and help people find homes and jobs at a site that was significantly better than the current location.

Laura Routh, resident of the Centennial Neighborhood, said this was a land use issue and as such, she was concerned that the City Commission might be allowing well funded developers and lawyers to bully it, into denying this SUP, because it set a bad precedent. She said while they were struggling with this issue, it was the most vulnerable members of this community that would suffer. She said she supported the proposed site for the Lawrence Community Shelter, passage for the SUP, expansion of the bus line to service the shelter. She said she lived on the southeast side of the community and thought this was an appropriate location. It offered the City many opportunities and solutions. She asked that the City Commission make the right decision.

The City Commission recessed for ten minutes at 10:10 p.m.

After returning from recess at 10:20 p.m., Mark Buhler said homeless issues were difficult to work with. He said he had known Steve Glass for many years and did not think they

had ever disagreed on anything. He said there were a lot of good people on the other side of this issue that he had met in his public career and other places.

He said he thought the LCS was trying to follow a mandate established by a collection of Commissions over the years and it had changed and moved to basically leave downtown. He said LCS were not very good developers or land buyers. When sellers saw LCS coming, they probably wanted to evaporate, take the property off the market or tell LCS the property was sold, because of the issues associated with homelessness. No one wanted a homeless shelter around their area, but this was an entity that helped people and appreciated support from the City Commission for this project.

Bob Fraga, Lawrence, said it was his impression the Lawrence Community Shelter was bursting at the seams. The population was getting larger and larger and he did not see an end. Years were spent trying to find an appropriate location, and when LCS found this location, it seemed to be less contentious than any of the other locations. If the Commission denied the SUP, he asked where the LCS could relocate.

Gary Teske, Pastor of Trinity Lutheran Church, speaking on behalf of the downtown minister's association, said their church provided overflow housing when the temperature dropped below 32 degrees and there were too many people for the current shelter to handle. The shelter was not necessarily getting bigger, but merely housing those people that needed a place to stay in the same facility. He said through their congregations they provided resources in various ways such as housing Family Promise on a quarterly basis at their church.

The man whose name their congregation bared was named Martin Luther, who said, "How quickly not now becomes never."

He said nebulous ideas were heard about where LCS might go, but asked if they would continue the 10<sup>th</sup> street location for how many more months or years as they tried to find a place that was more suitable. The proposed location was certainly a good location.

He said he certainly appreciated the fears expressed by the neighbors who would be near the new LCS location, but they needed to move forward in faith. He said he was part of the LCS board and would work diligently to appreciate and make sure those fears were not realized. That facility offered so much promise and possibilities for doing a much better job at serving those people who needed those services badly. He said he was asking the City Commission to approve this SUP and allow this work to go forward.

Hilda Enoch, member of the Lawrence Coalition on Homeless Concerns since its inception, thirty years ago. The issue that kept coming up was the NIMBY issue, (Not In My Back Yard.)

Everyone was calling this location a land use issue. The proposed location was in a Planned Industrial Development and it was a community facility, therefore, it seemed this type of facility qualified to have a home that would be adequate for the people who need it and who did not want to be at the current location, but it was better than being on the streets and not having any hope. This was an issue of this community coming before the City Commission and asking the Commission, once again, to let LCS build a homeless shelter.

Jane Pennington, representing Downtown Lawrence Inc., said DLI supported the approval of this SUP and the relocation of the shelter. It was not a perfect location and the management might not be perfect, but it was the best chance ever of establishing a facility that could do the needed work with a group that was willing to do that work. She asked the City Commission to approve this request.

Nancy Moses said she was a property owner in the Prairie Park area and she wanted to offer her support that this resolution be passed and that the homeless shelter be approved. She said she worked in the social services for the past 20 years. She said she worked primarily with people who had alcohol and drug abuse issues and then switched to work with families who had children who had been placed in foster care to help them get their kids back home. She said it was really difficult to do her work if the person did not have a home. Other issues could not be

focused on until knowing where a person was going to put their head down for the night, it was just impossible. She said she hoped the Commission would approve the resolution.

Peter Zacharias, downtown property owner and business operator, said he had been working on this issue for about six years. He said when he first started on this issue it was called to their attention because of a dramatic upsurge in problems downtown, including: increased crime, begging, aggressive begging, fires, police calls and an area of blight around the shelter. A lot of those problems were situational to downtown Lawrence. He said originally, he thought the LCS was the big problem, but as he got more involved in the problem he realized the problem was a whole lot more complex than he had originally assumed. He said a lot of the people at the LCS were legitimate members of our community, the working poor down on their luck that actually needed help. At the same time, others were using the LCS facility to foster a lifestyle where they would live on the street and alleys of downtown and tag team onto the kindness of LCS people. He said he thought the neighborhoods and other areas did not have the same synergy of problems downtown. Downtown had the Drop-In homeless shelter, the LCS, with the drop in function, free food, Salvation Army, and the river with all four things coming together to create a unique situation, which he did not think would be at all similar to the Franklin Park location. He said they had been working with this problem for six years and looked at numerous solutions and sights, but the new site was the least problematic. He said the site was not in a residential area, not in a high commercial or retail area, its relatively sparsely populated. The proposed locate was away from some of the services, but that could be solved with increased bus service.

He said people had the impression that homeless people were a monolithic group, but it's not true, some of the people were quite legitimate and definitely needed a help to get a leg up on the world, others are abusing the system. He said the change in the management plan that LCS had done was monumental, where they dropped the drop in feature. That made him, from a person who was originally against it, to a supporter. Without that feature it became a



facility much more like the one in Topeka and one that would accomplish much more dramatic results in getting people out of homelessness. He said the move to a new facility was the best thing that they could accomplish and urged the City Commission to accomplish the new homeless shelter as soon as possible.

Eileen Schwartz, Development Coordinator for St. Frances Health Center Foundation in Topeka and board member on the LCS said, she had been involved with the shelter since housed in the gymnasium at St. John's, it had been a long struggle getting where they were today. She said many locations were looked at and changed the management plan. She said they had listened and made adjustments to what they were doing and were hoping the Commission would approve the new site and let them improve things as time went on.

Rosie Elmore said she did not know anything about the shelter until a few years ago when John Taha and Julie Manning asked if she would consider becoming involved. She said she had heard all the stories about how Lawrence treated their homeless better than any community and she believed it. She said she went to the shelter one night and met Henderson, and watched the residents roll out their mats and thought stray dogs were treated better than homeless people in this town.

Elmore said she had never met anyone who was truly an angel on earth but that Henderson was the closest she had ever met. Once she was involved, several of her friends and she, signed up people to make meals for the Salvation Army when it closed.

Elmore said they had looked at over 70 locations for the shelter and it this issue would not go away. She said they had started soliciting and had a lot of people committed, they had a \$250,000 tax credit for 2009 and 2010, and grants but if you kept moving it back, they would be out of time. So much work had been, and she was not even part of their staff, but a volunteer who had spent a number of hours working toward this. She urged the Commission to approve the SUP.

Peter Steimle, manager of a local employment agency, said he has had the good fortune of screening dozens and dozens of people who stayed at the shelter and had hired a few. Some of whom had become successful full time employees at local businesses much to his delight. He said he was also a bishop at a local congregation of the Church of Jesus Christ of Latter Day Saints, which he was surprised that Henderson had become an honorary member of sorts, by declaration of some of the people at this meeting.

He said he had an MBA and was very profit conscious and very much saw the business side of things. He said he had been in neighborhoods where buildings and things were proposed that created much concern about property values being dropped or falling that after the building was built the property values increased because of what the building brought to the neighborhood. He said all of us were familiar with "green" businesses and that while ten or twenty years ago you heard negative comments about environmentalists and still did, but now businesses state "this was a green business and so buy from us." Businesses were now using that as a marketing tool and profiting by advertising the business was green.

He said a couple of weeks ago he received a call from a business who asked him to buy cards that had been painted by people who use their feet and toes because they were handicapped. He said he thought that was a neat thing and that they were way overpriced, but it was a neat thing that was benefitting and employing people that need employment, and so he purchased two packs of the cards. The handicapped worked at this for profit business and people bought their items because of the needs of their employees.

He said having worked at a local employment agency he very much was disappointed when he had to turn down because they had a criminal back ground or issues that made them not suitable for employment. He said he was not saying that a criminal background makes them unsuitable but sometimes it causes an issue. Sometimes people have the addictions or the mental illnesses that makes it inappropriate for him to send them to a job where they would

have to show up at 6:00 am five days a week month in and month out. He said he had seen the need for a business where the employment was flexible.

Right now, they might be footing the costs for 100% of someone's living expenses when they were capable for providing for half of them. He said he was putting together a business plan that would employ people in a flexible arrangement in a for profit situation and was very excited to see the employment program that LCS has been doing and would like to see that grow and develop. He said that would be something that he would hope to be able to participate in; rolling out a business that would employee more and more people and help them to develop the skills and habits and the work history and maybe excellent attendance certificates to help them move into regular jobs. He said for those that were capable and for those not capable, the opportunity to work flexibly and as many hours as they could.

He said the location near the jail and near LCS would be a great place for the kind of business that he envisioned. Since there were businesses that had profited from green marketing he proposed that in the coming years, they would see other businesses that wanted to take advantage of employing people who were difficult to employee. He said those properties might become valuable to potential businesses. He said the largest line item on the county budget was the county jail, so as people were moved into employment it could save money.

Donald Southard, Lawrence, said to educate this community and America with support for the poor and help with food, clothing and shelter. He said they needed to free the mind from the bondage of stereotypes that existed with disorders; mental, physical handicaps. He said that the real frustration was confined to an area downtown. He said bring about change for this community and give the homeless a site.

Price Banks said he wanted to touch on the issue of the covenants. He said there had been a lot of discourse about who had what and when, and apparently neither side was going to agree to who furnished the covenants or brought them into the discussion in the first place, and whether City staff had them in January or April.

Mayor Amyx said he received the covenants from Glass a week ago Monday and delivered those covenants to the City staff that same morning.

Banks said that there were comments that stated City staff had those covenants earlier than that time.

Commissioner Chestnut said the covenants were not germane to the City and was a private contract between two people and the City Commission had to come to the determination of whether or not there was cause for them to take action, and what implication that had. He said that the Commission's interpretation of those covenants was irrelevant to the discussion.

Price said that Commissioner Chestnut plagiarized the remarks he was about to make. He said the covenants were irrelevant, were not part of the police powers, did not come from the same place that the zoning came from and those were private agreements between two parties and should not be considered in this discussion.

Price said that the community shelter was not a hotel or a motel, it was a sheltered work shop, somewhat of a barracks, a social services agency, but it could not be put in the same kind of classification.

He said there had been 70 sites looked at and examined as potential locations for the shelter, and this location was the best one so far. Another suggestion that came up had been the Farmland office building for \$1 a month or \$1 a year from the city. He said he did not believe the City owned that building and the building must be in deplorable condition because it had no utilities for many years and sat in the middle of a brown field and was not sure it would be an appropriate location. He said they believed the proposed site was the perfect site and urged the City Commission to approve that site.

He said the shelter was going to start losing funds soon. The only person in the meeting that could appreciate how long the shelter had been dealing with this was Mayor Amyx, as he had been in a leadership position and involved for years.

He said they had a friend of the shelter right now, who was willing to purchase the building and make it available as a shelter with tenants, but that related to this building and not another location. On behalf of the shelter, he urged the Commission to pass this action.

Dennis Alford, a social welfare student at KU, said that last year his internship was at the Salvation Army. He said he was not a Lawrence native nor was he a native of Kansas he had grown up in Missouri and went to undergraduate school in Arkansas. He had always heard that Lawrence was a beautiful and kind place. He moved to Lawrence in 2007 and thought that Lawrence was the most beautiful city he had ever seen in his life, but after working at Salvation Army, he said he could not help but wonder if he would think it was as beautiful if he had to sit in the sun all day downtown on a sidewalk asking for money, or if the first snowfall was so pretty if he had to find a place to stay warm.

He said he still thought that Lawrence was a kind city and that was why he was perplexed by the resistance to moving the shelter, when LCS only existed to provide people with food, shelter and hope.

He said he was not under any illusion that approving the permit would any way immediately solve the systemic problem of poverty and homelessness in this community or the public's perception of the homeless, but believed it was a step in the right direction.

Daniel Poull, Lawrence, said he lived close to the current shelter and he appreciated all the hard work as he knew it took a lot of time and effort. He said he and his wife walked down 10<sup>th</sup> Street a lot and it was his observation that the homeless that were in the program were not the ones that people were afraid of. Those were a different group of people that parade through his alley and were arrested quite often. He said he did not think those people would go away when the shelter was moved to another location.

He said he supported moving the shelter to the proposed location and felt for the property and business owners if indeed it did increase the safety hazards or devalued their

property, which it had not devalued his property. He said the City would have a well run facility and urged the Commission to support it.

Bob Shumm said one thing that was evident was the current shelter was not viable in terms of location and the space that was needed. He said that the problem was that this had been going on for sometime, and what happened next if the commission turned it down? He said that the presumption was that the shelter would run out and go down the long list again and come back with another name and another site and have to go back through the planning commission and the city commission. What if the Shelter threw up their arms and said they were through and could not expend any more energy and asked who would do it and what would happen. He said that the site downtown was going to close, but if it did not close, it was grossly inadequate. This was the third site that had been generated and crossed the desk at city hall and if throwing this proposed site out for one reason or another, or conveniently made to go away for long enough that the funding fell apart, it would essentially be denied in a de-facto kind of position.

He said there was only so much energy people could exert to get to this point and that this was a site that would work. There were some concerns, but the Commission needed to take the precautionary role to make sure the management plan was correct and the site conditions were correct, but the site would work and he urged them to pass it.

Commissioner Johnson thanked Henderson and Huggins for meeting with him a week ago, and said that he was a little confused about the management plan. He said he did not find in the management plan, anything about the dry shelter. If someone were to show up with alcohol or drugs, he assumed the alcohol or drugs would be taken away and wanted to know if at any point, those would be returned to guest.

Henderson said it was confiscated and thrown away.

Commissioner Johnson said was if that idea was a change.

Henderson said it was a change for the alcohol, but had always been true for the drugs as drugs are illegal.

Commissioner Johnson said he wanted to know why they would get three chances on some of the big issues like buying or selling drugs on site. He said that the management plan stated that the police would be called, but the individual could be banned from the shelter for up to a year. He asked why not deliver a message that that individual was banned period, or at least a year.

Secondly, he wanted to know why the management plan talked about alcohol or drug usage. He said if it was a “dry” shelter would the guest be given a 2<sup>nd</sup> or 3<sup>rd</sup> chance. He said the community had expectations that the shelter was to help people move forward. It had been expressed by representatives from the Lawrence Community Shelter that if they did go that route, then people would not trust them or go to them for help. He said his question was what would be wrong with getting that message out, and expecting that type of behavior at the shelter. He said he did not feel that those questions had been answered in the management plan that he had seen.

Henderson said that people were given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> chances because when working with people who had addictions, a 2<sup>nd</sup> chance was needed. He said 1 chance and the guest was out was not the way to work with someone.

Blevins said one of the most useful tools when dealing with someone who had a substance use disorder was consequences. They saw the effectiveness of consequences in a lot of different communities when using things like drug court. Drug court was where they held a suspended sentence over the head of a person who was suffering from this disorder, and it motivated that person to follow a path of recovery, which actually took hold after a period of time. Once the person experiences the recovery, then that person returned to sanity. He said they did not want to lose that opportunity by completely cutting off any type of association with them. When they made a decision to completely disassociate with someone they were

completely out of our realm of influence, and it was done sometimes and there was a point and a time when that would be exactly what they had to do. When seeing hope for someone, they did not want to give that up because they were real people.

Henderson said giving someone 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> chances gave them the flexibility to then make a decision as to where that person was in their path.

Commissioner Johnson said he had brought up an idea, expanding on the good neighbor committee, and thought that was a great first step. He said they heard many times “not in my back yard” and did not know that a place could be found in Lawrence where a neighborhood did not have valid concerns. He said could they take it a step further and include businesses and/or property owners a seat at the table, at the board level.

Henderson said it had not been discussed but was certainly a possibility and the 12 member board was always searching for diversity. He was not a member of the board and probably should not be answering that question. He said there was a nominating committee of the board and the board has sections that rotate every year.

Huggins said it was an open process and if a person wanted to be a member of the board, it could be relayed to him and he could bring it before the nominating committee

Commissioner Johnson said he thought it was a valid concern in dealing with this muddy issue in that a neighborhood did not want this shelter in their area. He said it would give a business owner and/or property owner a regular seat. He said the Good Neighbor Committee, met twice a year wondered if seats could be added. He said he did not know if the neighborhood wanted to be included, but brought it up because he heard neighbors say they had not heard from LCS and it would be a way to step up that information flow.

John Tacha said he loved what Commission Johnson was saying and he had spoken about that idea at the Planning Commission level and if this SUP passed, it would only be a step 1, and needed a lot of people who were dedicated to making the new site better. He said they were going to need neighbors, Chamber of Commerce, and businesses that wanted employees.



He said their board would do nothing but encourage that idea and it could be expanded in a number of ways.

Vice Mayor Cromwell said was there any intention of continuing to operate any part of the shelter at 944 Kentucky, after the new Franklin Park shelter.

Henderson said no, not by the Lawrence Community Shelter.

Mayor Amyx said the new facility was obviously going to look different by not having the drop-in center. He said people had a vision of what the shelter would look like and asked how much different would the new shelter look.

Henderson said you would not see people out on the 25<sup>th</sup> Street side, if people were outside they would be in the back in the recreational area, or in the work area and the offices meeting with people. He said it was a more structured area because the people who were going to be there were going to be in the shelter, in the programs, there would not be any coming and going.

Mayor Amyx said if adopting the management plan proposed for the new facility for the current facility, he asked how it would look.

Henderson said it could be done, but it was harder, because there was so much property around. They could not have the Drop-In Center, but there would be the alley, the church across the street, and the public parking lot. Even if it was not a Drop-In Center, people could be hanging around on public property. He said, at the new site, there was no public property and they did not have a right to be at their location. At that time, they could put that person(s) in a car and take them somewhere.

Mayor Amyx said loitering would not take place at the new site.

Henderson said right, because it was private property other than the street or the sidewalk and there was no reason to be at that location, unless a person was in the shelter.

Mayor Amyx said if the Commission was to grant approval, realizing the date was next April to remain at the current site, he asked where they were with current fundraising to open the new facility.

Henderson said 18 months was his best guest.

Tacha said if the SUP was approved tonight, they would get busy. He said the Commission wanted the shelter away from downtown and vice versa. He said they had committees to work on volunteerism, committees to work on getting bedding and supplies and equipment, people to work on major donors. He said that all those things were on hold waiting for approval.

Henderson said when meeting with Commissioner Johnson last week, the Topeka Rescue Mission was discussed and a person that had worked at that mission for 30 plus years, said, "sometimes you do it wide and shallow, and sometimes you do it narrow and deep". He said that was what he meant with the management plan because it was a document that was in progress. The Topeka Rescue Mission did not have a Drop-In Center; therefore, it did not have loitering issues, although, there were fences around his family shelter across the street, but did not have a yard in front of the administrative building where they housed single people.

Commissioner Chestnut said this was not a discussion about the desire to address the homeless issue, everybody wanted to do that. Several people spoke about the city being involved in this for a long time. He said it was not about whether or not the Lawrence Community Shelter made a tremendous contribution to the community, because without question it did. He said it was also not about those who did not care versus those who did care. Nobody wins when it became an argument about compassion or lack thereof.

The community had the right to have a discussion about the management plan and accountability. The Topeka Rescue Mission was a completely different thing from the community shelter, because the Rescue Mission did not take public funding. The fact that part of the Shelter was taxpayer funded made it an entirely different situation. Comments around the

size and serving people outside of Douglass County, limitation were all germane to this discussion, because with taxpayer contribution, the taxpayer wanted a place at the table and that was just the way it worked, not only with this agency, but every agency and public department.

There was a lot of discussion about the larger context, but the fact was that the larger context had relevance, but the issue boiled down to land use and it could not be dodged. He said Routh made a comment about the Commission being bullied, but that was not his personality, no one bullied him and that was not where he was coming from.

He said there was a private agreement that no one could get around regarding the property, regardless of whether the supermajority agreed to move forward or not. The Commission received emails in the last two days where two attorneys were already positioning themselves for litigation over the covenants on that piece of property. He had almost no doubt about that happening. He said he did not plagiarize comments, while he did not think that issue was germane to the Commission because they did not have a dog in that fight. The reality was, when talking about fundraising, regardless of the decision made tonight, there was uncertainty about going forward, because in his opinion, the issue was going to end up in some type of unresolved conflict that would probably result in civil action. He said that clearly, from what both attorneys represented in the last two days, and their interpretations of the covenants and citing section 403 etcetera, it was a real probability that was what would happen.

He said none of this had been submitted to the 3 trustees formally and they had no way of processing this. If the management plan was ever evolving, that was good, but at some point had to be, according to that contract, presented with some sort of formalized process saying what they planned to do. He said from the reading of the document that the Commission was presented, not the emails from the attorneys, but the documents itself, they were going to approve anything that had to do with the building permit and that permit was going to get pulled for things like fencing and interior work. He said in his opinion this thing would get stopped cold

almost immediately out of the gate. He said he hoped that was not the case, and he was not sure if the property owners had projected that, but at this point, he found it hard to understand how to move forward.

He said no location was going to be perfect, no area was going to have willing property owners, and this issue was not about just getting the Shelter out of downtown. He said that everyone recognized that downtown was the wrong place for the facility because of its size. He said there was no time frame because it did not matter how long it took, someone was going to say they were running out of time and that they did not know what was going on and have interested parties speaking in all of this. At the end of the day, they have a private contract that was going to put a stop to it, and he thought that was a pretty high probability. He said if Glass and Thompson were not making a judgment on the application, because they did not have anything to make a judgment on and it seemed they were in reverse order. He said they needed to understand whether the trustees of the business park were even going to approve it or have any negotiation or anything else before they rendered an opinion, because their opinion was moot if they said no. He appreciated the discussion and it was a big issue they needed to solve, but he did not see how they could move forward.

Mayor Amyx said the Planning Commission had sent approval and it was his guess that the Planning Commission did not have knowledge of the covenants. He said there was probably no perfect site in Douglas County.

He said the City Commission initiated the text amendment changes that allowed an SUP to be considered an industrial zoned piece of property, and if that was a hint to the Lawrence Community Shelter and to their board, that they were to look for industrial property, then that was probably where it came from and there was a willing seller and willing buyer.

He said this issue was not just about having LCS leave downtown, the issue was a land use decision and to select the best site available. He said he might disagree a little with Commissioner Chestnut because they had to approve the new site; the SUP, subject to the

conditions from the Planning Commission; and, adopt a management plan subject to any changes made. Another condition to consider as part of the approval on this project or any other project with covenants attached to their deed would be that only final approval would occur, when final approval of the trustees were in hand. That would show that the City Commission had done their due diligence in their land use decision, but at the same time, a decision had to be made by another body.

Another thing to discuss was the costs of the transportation.

He said this might be the best site if conditions were in place.

Commissioner Chestnut said his comments were made to say that for him personally, there was no perfect site and issue were going to come up, but the difference, over the course of the last week, it was clear that this was not the end. He said he had concerns that if moving forward now, it was a possibility the Commission became party to the suit.

He said the Commission did not know and Price could not tell him with any definition that they did know.

Price said if the Commission interfered with a contractual process, the Commission would more likely to become party to a suit. He said what the Commission was doing was interfering in a contract between two parties.

Commissioner Chestnut said what the Commission was doing was making a ruling on a Special Use Permit which was not germane at all to the contract. He said in his mind it applied in reverse order and not in the other way.

Vice Mayor Cromwell said LCS stated this was the perfect site and should be good enough for the City Commission. The City Commission's job was not to pick the best site and was glad it was not his decision. He said he was willing to look at the sites as those sites were brought up.

He said with regard to potential litigation, wherever this was taken, there was a potential for litigation as there was for the last site, but there would always be a potential for litigation.

He said regarding covenants and restrictions, every time the City had a land use issue, and there might be a architectural control board, and the City Commission did not necessarily make their decisions, subject to the approval the architectural control board picking out the color for the exterior because that was a separate process that needed to vet itself out under the normal course that it went through. He said if there were dogs in this fight, he thought the Commission had to let them fight it out on their own.

Commissioner Chestnut said he agreed with everything that the Vice Mayor said, but it happened typically in reverse. Those issues that needed to be resolved with other parties get resolved first typically. He said that they had deferred a number of land use items where it was clear that they saw two parties that were juxtaposed to each other and tell those guys to work it out and choose to defer that issue. He said that they had done that a number of times and all he was saying that this was a good location, but were in reverse order. It was clear to him and the difference was that it was pretty strictly codified versus some other situations where the Commission had chosen to defer and situations where there was more ambiguity about who was right or wrong. He said with this issue there were clear and contractual issues that the Commission had been presented just recently that this project could stop on a dime. He said he felt he was following a precedent the City Commission had done a lot of times in the past, which would say, you have two parties that were obviously juxtaposed to each other and the Commission did not want to move forward until seeing if it could be resolved.

Commissioner Johnson said he said he was struggling with this site. He said he did not think this was the best site, but asked what was the best site. He said the shelter needed to be located somewhere. He said the City Commission would not pick sites. The problem was the track record, and the Commission was being asked to trust and let the Shelter move forward with a clean slate which he appreciated, but he was also listening to the comments and concerns of the community that stated they had not seen anything that made them trust that things would change in a new spot.

He said the City Commission had heard from a lot of people about how much Henderson meant to the shelter and the last thing the Commission wanted to do was stop it from happening. The Commission also had a duty to the community at large as well as the new neighborhood. There was a required process the the development community had to go through such as meeting with the neighborhoods, and submitting plans. It was disconcerting to hear that some people had not been brought in to the process and it was also concerning that the most recent management plan, the issue they were talking about was posted yesterday and the public needed to weigh in on that. He said he had his opportunity to voice his concerns, there was a process and held a lot of people up to a certain standard.

He said as far as a lawsuit, the Commission could not control that lawsuit.

Commissioner Dever said one thing that needed clearing up was how the Commission felt about the management plan. He said he believed in Henderson as the manager of the LCS and had the ability to do an excellent job and to implement this management plan with a lot of input from the Commission and others in the community.

He said he could understand people's concern with the way things were run because there would be positive and negative feedback from everyone. He said he believed a permanent location was needed and was in favor of having this done sooner than later. He said he thought there were better locations because of the distance from core services. The people who did that for a living state that the proximity to the core services was very important, but he question was if they would find a better location, near those core services that could be utilized and get past some of the "not in my backyard" mentality.

He said he was also concerned about the lack of transit service. There was no way he would feel comfortable placing a homeless shelter at this location without an adequate transit service and without a way to get to that location, he asked what was the point. He said they would just escalate the problems with the neighbors, people, stores, and businesses that might be a stopping off point. He said as Henderson pointed out this was not a drop in center and

people would not be showing up. There would be people that would show up, be turned down and would not come back again. He said the homeless would not be loitering and this was a different animal and it deserved a chance

He said he was concerned about the progress of the site being impeded by outside forces of this site because he wanted it to happen now. He said he did not want to wait 18 months or until a judge or attorneys figure out, but wanted the City Commission to have control of the situation and move forward. He said it was important not to add anymore outside influence to this process because it was already difficult.

He said he read the covenants recently and there was something there, but he was not going worry about it because he knew it would impact the ability to fundraise, move forward and impede the City Commission from making this happen sooner. Whatever happened would slow the City Commission down possibly. He said he believed in the board in their ability to continue to fundraise and move forward. The board had done tremendous things in the last few months and would continue to do that.

This was a special use permit that was reviewed on a regular basis. If the management plan was not working right and there were things that were not going well, the City Commission had the power to overturn that permit and this was not a long standing infinity project. If people were uncomfortable with the management and how things were running this was building that was already built and there would be money spent to improvement the building, but if it was not being run right, it was the City Commission's responsibility to make sure it was and do something if it was not.

If this location could not be done at this time, the City Commission needed to give some hope to the fundraising efforts and other locations. He said he would like to move forward with identifying a way the City could get involved with this process and if the Commission could not get 4 votes at this time, then they needed to talk about how to get the Shelter located out of



downtown and where would they give Henderson a place to prove this management plan could work.

If it was a temporary location, he took the liberty of visiting the Farmland building yesterday and was not atrocious conditions and was just as good, if not better condition then the current shelter from a building perspective and could be a suitable temporary location if they could not come to an agreement for a permanent location at this time. He said to defer this SUP and not be sure, there were reasons to feel that way. He said the community needed to figure out how to solve this problem sooner than later.

Vice Mayor Cromwell said he wanted to speak about track record which was a valid concern. He said a lot of people spoke to miracles happening at the shelter and what the shelter had to work with, miracles had occurred. It was amazing to hear the great success stories on a site that was a quarter of an acre. He said they were talking about a site now that was 16 times larger that would serve twice as many people. There were places for families, places for outside services to come in and have office and there was a much greater chance of success for those programs, an greater chance for a better track record at the new site, versus the old site. In a way he understood they had to judge by what was seen, but what they had seen was an equivalent of him trying to run his business in his leaky basement with dialup internet and no telephone. He said he was amazed there were not more issues and problems at that site. He said he was in favor of moving forward and giving the shelter a shot at this site.

He said he appreciated the concerns of the neighbors and businesses that were nearby and understood that was a valid concern for anyone. He said they would be hard pressed to indentify a more isolated location than this location and those things were weighing in on his deliberation.

Mayor Amyx said if the City Commission took an action and there were not 4 votes on this particular application, he asked if it was not eligible without some kind of extreme change not to come back before the City Commission.

Scott McCullough, Director of Planning and Development, said that would be a denial of the SUP application and there was a code provision that indicated the applicant's ability to bring back an application within so many days. He said he believed it was 120 days, if the application changed in some material way, or a full year if it was the same application.

Mayor Amyx said there was an agreement to purchase this property based on the action by this City Commission. He asked if there was a timeframe to close on this property or perform on the contract.

Mayor Amyx said it there were times in the past that the City Commission had told applicants and neighbors to work out their concerns and deferred their action. He said he did not want to put LCS in a position and was not sure another site would come forward. If there was some reason that a deferral should happen here...

Commissioner Chestnut said he was putting a condition that was really there anyway and wanted it stated for the record that there had to be an approval by the trustees for this to go into force because otherwise, no building permit and no site plan.

Commissioner Johnson asked if the City Commission had given the public enough time to weigh in on this management plan.

Mayor Amyx said Commissioner Johnson brought up a good point that it was just posted yesterday and there needed to be time and the City Commission needed to approve the final document as part of the original condition. He said that could be worked out through time.

Commissioner Chestnut asked McCullough to cover the 5 conditions.

McCullough said conditions were publishing the ordinance, provision of a revised site plan to include no changes about missing and diseased landscaping being replaced, noting the site plan actually stated the maximum sleeping capacity should not exceed 125 individuals, submittal of an annual report to the City Commission within the first calendar quarter of each year, including the number of guest to obtain jobs an housing, guest to use the day night time services and update on the ongoing commitment to communicate with surrounding neighbors to

address concerns of the neighbors, a statement of compliance with those conditions, the approved site plan and the approved management that would all be part of the report; a signed site plan performance agreement and placement of a bus stop being located within a reasonable distance prior to occupancy of the building.

Commissioner Chestnut asked what the performance agreement was.

McCullough said the site plan performance agreement was a typical agreement that they give a site plan so that if there was a violation.

Mayor Amyx asked if there was a price tag on transportation.

Commissioner Chestnut said the cost was a little bit irrelevant to him. He said they needed transportation for the jail and they should go to their friends in the County and ask them about that possibility about sharing in those expenses, but it seemed he could not imagine it being material as far as costs were concern. He said he sensed they would be able to work those issues. He said they had discussions with the County for a long time about transportation to and from the jail and there was a lot of activity that moved back in forth with cabs and everything else.

Mayor Amyx said 5 hours ago Commissioner Chestnut gave him a document that talked about prioritizing, but he understood.

Mayor Amyx said regarding the management plan, it could be considered separately.

Commissioner Chestnut said it was subject to City Commission review at any time, anyway.

Mayor Amyx said it probably was, but at least there was time for public review.

Commissioner Chestnut said condition No. 3 sort of addressed some of those issues and there were a lot of stipulations about reporting and other such things. He said he agreed they could address that as a later issue.

Mayor Amyx asked if there was a comfort level of approving a management plan that was received yesterday morning and the Commission was the only one that had the opportunity to review it was another item.

Mayor Chestnut said one point he wanted to make was that same management plan had to go to the trustees. The fact was they were already in a place where there had to be some negotiation and it might evolve even further.

Commissioner Johnson said he wanted to make sure there was time for input from the community.

McCullough said he wanted to be clear on the management plan in terms of time to provide input. If approved with those conditions, they might want to build in some review of the management plan by the City Commission at a future date. The way the conditions were expressed today, they reported on the approved management plan and if the City Commission approved it tonight it became the approved plan that they had to operate under and staff had the ability to go in and begin revocation proceedings if they were not meeting that approved management plan, but it might be more difficult to say they wanted the applicant to change the management plan that the Commission approved, depending on what issues came up.

Mayor Amyx asked about the language.

McCullough said they might want to review it after the first 6 months of actual operation.

Mayor Amyx said he wanted to have comment by the City Commission prior to final adoption of that plan as a condition of approval.

McCullough said they might want to add language that reviewed the management plan.

Commissioner Chestnut said from a policy standpoint they did the same thing to some extent when they approved the extension of the SUP at 944 Kentucky and that was still going to come back at some point.

McCullough said there was also the ability to do it concurrent with second reading of the ordinance.

Mayor Amyx said regarding the conditions, nothing changed on 1 through 5, No. 6 was subject to approval of the trustees of the Franklin Business Park PDO and No. 7 was.....

Commissioner Chestnut said the Commission wanted final approval of the management plan, 60 days after tonight.

David Corliss, City Manager, said staff wanted to study the wording of those conditions so that when the Commission saw it on 2<sup>nd</sup> reading, it was to City Commission's satisfaction and legal satisfaction. He said there were concerns with delegating approval authority to a 3<sup>rd</sup> body like the board of trustees of the business park.

Mayor Amyx said it had to be done.

Corliss said that was certainly a reasonable interpretation that was probably PDO Investors' interpretation. The City Commission might be able to accomplish the same thing by simply saying they had to pull a building permit within a certain period of time. He said he would much rather that the City Commission authority be the trigger for that use as opposed to a third party.

Commissioner Dever said he agreed because the way he read that covenant, it seemed as though the trustees were deferring all of those other issues to the City and did not intend to get involve in that process and only those things that take place under their authority, should be reviewed. He said this SUP did not have anything to do with the trustee's authority.

Corliss said the City Commission was the governing body for approving land use controls. He said he wanted to make sure he understood the Commission's concerns about having the Franklin Business Park Board of Trustees, sign-off on the use. It was not to comply with the restricted covenants. The issue was more to protect the public and protect LCS from proceeding in a path they might be ambiguous for 18 months. He said he was trying to understand that issue so staff could help accomplish that goal within the City Commission's authority.

Commissioner Chestnut said from SUP's and anything else, the City Commission had an expectation of being compliant for whatever was standing for that piece of property and that was part of this situation. He said he was not delegating anything, but saying that condition had to be fulfilled.

Corliss said for the SUP or for LCS to close on that property. The SUP was to give LCS the ability, under the City's land use laws, to perform that use. He LCS might not do that, but staff thought they would, but it did not require LCS to have the community shelter at that location. LCS had other things to do in order to perform on that site. Staff thought LCS had to meet the restrictive covenant requirements whatever that was. LCS had to come up with financing and a lot of other things. He said he was concerned if staff placed language into an ordinance that stated LCS had to comply with restrictive covenants, the City Commission was going beyond their authority. .

Commissioner Chestnut said their authority was used essentially to make certain commitments and when LCS hit that dead stop, he wanted to know where that put the City in the process.

Commissioner Dever said the ability to process a building permit.

Corliss said staff's goal was to have a good land use decision and have them in operation at that location within a reasonable period of time.

Mayor Amyx said if staff needed time to come up with a plan or was there an action the City Commission could take, giving the time during the second reading of this ordinance, to clean it up.

Corliss said staff might need time, but he was trying to make sure he and staff understood what the goal of having SUP as a requirement.

Commissioner Chestnut said he did not think anything else happened if the SUP was not fulfilled.

Corliss said that might be a reasonable interpretation, but the City fulfilled its goal of making the right land use decisions at this location.

Commissioner Chestnut said he got back to that was why they had the cart before the horse.

Mayor Amyx asked Commissioner Chestnut for a timeout and went on to ask Corliss if staff needed one week to discuss and figure out the language.

Corliss said if the City Commission adopted the ordinance on first reading, the second reading would take place on the regular agenda next week and staff would have some information.

Commissioner Chestnut said he did not have a problem with adopting the ordinance on first reading and could always have a discussion on second reading.

Corliss said the Commission could also direct staff to work on language that would reflect a desire for compliance with all of the requirements to pull a building permit to accomplish the work. He said he understood the goal, but was trying to avoid the City from getting into a situation where the City was enforcing something which was not the City's purview. He said it was a contract and that was why there was a court system to determine the rights and obligations under those contracts and the City did not want to be a party to that discussion. He said staff wanted to be sure that the SUP was meeting all the different land use requirements and one of those requirements could be if there would be timely performance on this land use. He said that was a reasonable requirement for a governing body to timely have a community shelter at a certain location.

Commissioner Cromwell and Johnson liked that idea.

**Moved by Dever, seconded by Cromwell,** to approve Special Use Permit (SUP-1-3-10) for Lawrence Community Shelter located at 3701 Franklin Park Circle, and adopt on first reading, Ordinance No. 8500 and direct staff to bring necessary additional conditions on 2<sup>nd</sup> reading. Motion carried unanimously.

**(16)**

**PUBLIC COMMENT: None.**

**FUTURE AGENDA ITEMS:**

04/27/10

**CONSENT:**

- Approve rezoning, Z-1-1-10, of approximately 5.252 acres from IG (General Industrial) to IL (Limited Industrial), located at 151 McDonald Dr. Submitted by Paul Werner Architects, for Downtown Equities II, LC, property owner of record. Adopt on first reading, Ordinance No. 8511, for rezoning (Z-1-1-10) of approximately 5.252 acres from IG (General Industrial) to IL (Limited Industrial), located at 151 McDonald Dr. (PC item 5; approved 8-0 on 3/24/10)
- Approve Text Amendment, TA-1-2-10, to Sections 20-403, 20-601(b) and 20-601(b)(1), to permit Hotel/Motel/Extended Stay Use as an allowed use in IL Zoning. Adopt on first reading, Ordinance No. 8512, for Text Amendment (TA-1-2-10) to Sections 20-403, 20-601(b) and 20-601(b)(1), to permit Hotel/Motel/Extended Stay Use as an allowed use in IL Zoning, revise the maximum height in the IL District and add reference to the IL District in footnotes 14 and 15 in the Density and Dimensional Standards. *Initiated by City Commission on 2/2/10.* (PC Item 7; approved 8-0 on 3/24/10)

**REGULAR:**

- Receive staff report on 15 minute parking meters downtown.
- Receive staff report on habitual parking violator ordinance.
- Receive [staff report](#) regarding a sidewalk dining and hospitality license for Louise's downtown.
- Adopt on first reading, [Ordinance No. 8516](#), amending Chapter 6 Article 14 of the City Code regarding Licensed Street Vendors.

05/18/10

- Conduct public hearing for the dilapidated structures located at 1313 Haskell Avenue. Consider adopting a resolution declaring the structure unsafe and dangerous and ordering the property owner to repair or remove the structure within a specified period of time. Should the property owner fail to comply the City would contract for the removal of structures.

May/June

- Upon conclusion of 2010 Kansas Legislature, review and consider possible changes to City primary election law.

06/08/10

- Receive status update on the property at 331 Johnson Avenue on violation of City Code Sections 9-6011 (A) and (C). Receive additional code enforcement information as directed by the City Commission. Authorize staff to proceed with enforcement actions if appropriate.

November

- Receive status report on LCS relocation efforts.



TBD

- 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.
  - Receive Lawrence Human Relations Commission gender identity report.
  - Receive economic development policy updates and forward to PIRC for review and comment:
    - New language that would provide tax abatement bonuses for firms that provide high-wage jobs;
    - Update to IRB policy to account for changes to state law and guidelines for retail and multifamily use;
- A new CID policy establishing the criteria, financing, processes and fees for these districts in Lawrence (
- Wastewater master plan update.

**COMMISSION ITEMS:**

**Moved by Chestnut, seconded by Dever** to adjourn at 12:07 a.m., Wednesday, April 21, 2010. Motion carried unanimously.

**APPROVED:**

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Mike Amyx, Mayor

**ATTEST:**

\_\_\_\_\_  
Jonathan M. Douglass, City Clerk

## **CITY COMMISSION MEETING OF April 20, 2010**

1. Bid - 3,500 tons of road salt for PW Dept, Central Salt for \$150,570 with an option for additional 1,000 tons if needed for \$43,020, totaling \$193,590.
2. Ord. 8509 - 1<sup>st</sup> Read, alcohol on public property, pursuant sidewalk dining license for 715, 715 Massachusetts Street.
3. Ord. 8499 - 2<sup>nd</sup> Read, SUP-1-2-10 City Pump Station 09 Wet Weather Storage Expansion, 8.18 acres, SE of W. 27<sup>th</sup> Street & Crossgate Drive
4. Ord. 8517 - 2<sup>nd</sup> Read, alcohol at Lawrence Public Library, Foundations fundraiser, April 25, 2010, 7:00 p.m. & midnight.
5. Res. 6883 - 2010 Emergency Shelter Grant from City to State.
6. Professional Services Agreement - Hernly Architects - Historic Preservation Fund Grant # 20-09-21822-006, historic resources survey north of Memorial Stadium.
7. Contract - Coffman Assoc. - Master Plan & Airport Layout Plan - Lawrence Municipal Airport - \$249,100. Sign grant app. w/FAA - funding of the Lawrence Airport Master Plan.
8. Contract w/P1 Group, Inc. - Project PW0930, Public Library HVAC Improvements, - \$423,620 + \$12,800 for VAV boxes - total amount of \$436,420 provided contractor can meet terms in contract. Federal government will provide 100% funding of this ARRA project.
9. Release of Mortgage for Grace Hutchins, 1827 Alabama.
10. Temp ROW – Hy-Vee Hawk Zone, 8<sup>th</sup> from Mass W to alley, April 24.
11. Signs of Community Interest – 2<sup>nd</sup> Annual Hawk Mud Fest Mud Volleyball, April 24.
12. One year facility use agreement for Lawrence Indoor Aquatic Center w/Ad Astra Area Aquatics for the 2010 swimming season.
13. City managers Report.
14. Public hearing -Tour of Lawrence -waive restriction of sales & serving of alcoholic liquor within 400 feet of a school or church & temporary sale of alcoholic beverages
15. Agreements - Pierce Manufacturing, (1) Engine for \$669,535 and one (1) 100' Ladder Platform for \$1,183,923; Res. 6884, - \$750,000 in general obligation bonds for the fire equipment; Acknowledge KU Housing for acquisition of the ladder apparatus.
16. Ord. 8500, 1<sup>st</sup> read - SUP-1-3-10 - Lawrence Community Shelter, 3701 Franklin Park Circle