



City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

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

July 27, 2010

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

PROCLAMATION

With Commission approval Mayor Amyx proclaimed the week of August 1 through 7th, 2010 as Breastfeeding Awareness Week.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve minutes from the City Commission meetings of May 11, 2010 and June 1, 2010; Motion carried unanimously. ,

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to receive minutes from The Public Health Board meeting of May 17, 2010; The Sustainability Advisory Board meeting of June 6, 2010, Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve claims to 215 vendors in the amount of \$1,569,804.91. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve the Drinking Establishment license Henry T's Bar & Grill, 3520 West 6th; Zen Zero, 811 Massachusetts; La Parrilla, 814 Massachusetts; and a Farmers Market License for Jefferson Hill Farm & Winery. Motion carried unanimously.



The City Commission reviewed bids for mechanical upgrades and siding replacement for the Boys and Girls Club of Lawrence, the bids were:

Mechanical Upgrades

Vendor	Base Bid
Harris Heating & Cooling, Inc.	\$16,930.00
Chaney, Inc.	\$17,750.00
Anchor Air & Heat , Inc.	\$25,673.26
Estimate (provided by Boys and Girls Club staff)	\$16,350.00

Siding Replacement

Vendor	Base Bid
Rock Chalk Exteriors	\$31,908.00
Estimate (provided by Boys and Girls Club staff)	\$20,000.00

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell,** to waive estimates and award weatherization bids for the Boys and Girls Club of Lawrence, 1524 Haskell Avenue, to Harris Heating & Cooling for mechanical upgrades (\$16,930) and to Rock Chalk Exteriors for siding replacement (\$31,908). Motion carried unanimously. **(1)**

The City Commission reviewed bids for a Gas Chromatography/Mass Spectrometer Instrument (Bid No. B1034) for the Utilities Department, the bids were:

Vendor	Bid
Varian	\$73,021.00
Agilent	\$82,211.97

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell,** to award the bid to Agilent in the amount of \$82,211.97. Motion carried unanimously. **(2)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell,** to approve the renewal of the City's Annual Agreement for Microsoft software maintenance for the period of July 1, 2010 to June 30, 2011 to Software House International for \$69,049. Motion carried unanimously. **(3)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to authorize City Manager to execute contracts for the implementation of ExecuTime time and attendance payroll software system for a total of \$72,544. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to Award Bid No. B1046-0-2010 for asphalt materials for the repaving of 13th Street (Massachusetts to Connecticut), Oread Avenue (13th to 12th Streets), and portions of Oak Hill Cemetery to the low bidder, Asphalt Sales of Lawrence, for \$62,700. Motion carried unanimously. (5)

Ordinance No. 8545, allowing the possession and consumption of alcoholic liquor on specified city property on 8th Street from Noon on Saturday, August 14, 2010 to 1:00 a.m. on Sunday, August 15, 2010 for The Sandbar Birthday Party, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, and Chestnut. Nay: None. Absent: Johnson. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to adopt Resolution No. 6886, declaring 214 North 6th Street environmentally blighted and ordering the property owner to abate the violations within 20 days of the passage of said resolution. Failure of the property owner to comply will result in the City contracting to have the blight removed with expenses being assessed against the property. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to adopt Resolution No. 6897, authorizing the issuance of \$5.6 million in general obligation bonds to refund State Revolving fund Loan 2087. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to authorize staff to advertise a Request for Proposals for engineering design services for 23rd

Street KDOT Bridge Replacement Utilities Relocation (UT1003C3). Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve a request from Treanor Architects, on behalf of the property owner of the property located at 1530 West 6th Street, for a variance from 19-214B of the City Code which states that a private sanitary sewer service line shall not be located in a City public right of way for a length greater than fifteen (15) feet. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve a temporary use of right-of-way permit for the Lawrence Public Library to close a portion of the 700 block of Vermont adjacent to the Library on Thursday, August 5 from 5:00 p.m. – 9:00 p.m., for the Last Splash Bash. Motion carried unanimously. (11)

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 2010 Lawrence Busker Festival allowing the closure of 8th Street from Massachusetts Street east to the alley from 3:00 p.m. – 11:30 p.m. on Friday, August 20 and 12:00 p.m. – 11:30 p.m. on Saturday, August 21 and the use of the various other downtown sidewalk locations on August 20, 2010 and August 21, 2010. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve a temporary use of right-of-way permit for the temporary closure of the north (alley) entrance to the New Hampshire Street Parking Garage, sidewalks, parking spaces, and other rights-of-way associated with the construction of a seven-story multi-use building at the southwest corner of 9th and New Hampshire; approve temporary relocation of the public transit stops on 9th Street, east and west of Massachusetts Street; and approve the use of city property pursuant to an easement agreement permitting an outside courtyard/seating area to the benefit of the adjacent property. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve Aviation Advisory Board's recommendation of appointees to the Planning Advisory Committee (PAC). Motion carried unanimously. (14)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to approve the implementation of age provision changes to the City of Lawrence Employee Health Care Plan effective September 1, 2010. Motion carried unanimously. (15)

As part of the consent agenda, **it was moved by Chestnut, seconded by Cromwell**, to receive first quarter and second quarter reports for Bert Nash outreach program. Motion carried unanimously. (16)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said Fleet Manager Steve Stewart was recently certified by the Emergency Vehicle Technician (EVT) Certification Commission, Inc. in management levels 1 and 2; The Wings of Freedom Tour visited the Lawrence Municipal Airport on July 14-16; an update on the Santa Fe Station for donation of the depot to the City with comments by staff and possible funding sources; new transit routes would take effect in August to improve access to the city and university; benefits accrued for the city's purchase of a paint striping machine for in-house parking lot striping; and, the 2010 Facility and Structure Program that provided a mid-year update and status. (17)

REGULAR AGENDA

Receive request from John McGrew, Outside for a Better Inside, for a discussion about a wellness campus, complete with pond and walking trail

John McGrew, Lawrence, said one of their advocates, Kelly Hunt, a citizen and musician, composed a song which had recently been recorded with the Lawrence Children's Choir. He said this song had a potential to shine a light on their initiative in a dramatic and toe tapping way. The Kansas Coalition for Children and Nature would embrace their song and

would play the song throughout the State. It would also have the possibility of having national exposure through the Obama Administration. U.S. Secretary of Health and Human Services, Kathleen Sebelius was the Kansas governor last year when she signed an executive order for the Kansas Coalition for Children and Nature and was forwarded this song.

The specific purposed for attending the City Commission meeting was to discuss the land that was now owned jointly by the City and School District at the east gateway to Lawrence.

Phil Struble, Landplan Engineering, said they had no authority, no money, no responsibilities, nothing except the decision to represent a good idea worthy of pursuing an ideal for Lawrence, Kansas. He said they did not want it to stop at everyone agreeing the project was a good idea, but move forward and be something. He said they had a long list of advocates and people that wanted to help further this idea, but there was not a place to start. He said to bring their idea into black and white and tangible pictures, then put together some information. He said they were not present to promote the site, but they had selected a piece of land and focused on that land which could be seen on K-10 from Kansas City and was at the bifurcation of K-10 and the new South Lawrence Trafficway, if it was ever built, around the south part of town.

They took this piece of ground that was recently purchased by the School District and the school district had been part of this process and had some City of Lawrence park property associated, a wastewater pumping station on a corner of this piece of ground. Not focusing now on this specific piece of ground, he wanted to discuss their ideas for this project and why they needed to come to the City Commission for some assistance and help them move this project forward. He said the two prominent features were the walking trail and the large pond they hoped to build on this piece of this property. He said they had volunteers for laying down woodchips for the walking trail, building the pond, people interested in community gardens and all type of interest out in an environment that fit ideally with what was trying to be accomplished

at this location. He said the School District was a landholder just like the city and if the plans changed over time, they kept a large part of the left side of this property available to have some future uses without affecting what they were trying to do.

He said this piece of property had a lot of possibilities, and a ball field was shown and envisioned a field for handicapped citizens of Lawrence where they could enjoy baseball and softball. There was a wellness facility, a facility that could be for basketball, ice hockey or a lot of other uses, but the idea was the genesis with the walking trail and pond which was available for anyone in Douglas County to use those facilities for educational purposes or Sunday afternoon walks, and it had possibilities to grow into other things. He said a lot people had indicated an interest in this project and drove them to keep this process going.

He said they were present to ask for support from the Governing Body to issue some direction to the Planning Commission and Planning staff because they could not proceed with trying to enlist volunteer help and enlist people to do things on a piece of property, if it was not going to show up on any kind of community plan as some type of community wellness facility or some other designation so they knew the trees they plant in that area would be there for more than a couple of years or the volunteer help to put in the walking trails would not be plowed up in the near future. He said they were not asking for money or for the designation, but would like the Governing Bodies to provide that push so that city staff and the Planning Commission had the understanding the City would like them to look at this project and create a group that could study this idea and come back with a recommendation on other areas that would work also. He said they were not selling one location, and was sure there were other places that were just as viable. He said they wanted the ability to create outside recreation and education opportunities wherever it was in the community; this was an example of where this type of project could be done. Then they could continue pushing their idea and getting this volunteer help and making this become a reality because they wanted it to move beyond just being a great idea and being something tangible where the community could actually use it.

Hank Booth, Lawrence Chamber of Commerce, said he was very pleased that Phil Struble, Landplan Engineering, stepped up and give the community something to look at to get this dream down to a conceptualization. He said they were not stuck with this spot or plan, but starting the idea for this dream. He said this idea of getting kids outside for a better inside, was not an idea, but a dream and it was one dream that had caught the attention of a lot of people.

The Chamber of Commerce was working with McGrew and had taken this idea to Eileen Horn, Sustainability Director for the City and County, who was excited about this dream. He said someone asked what this idea had to do with sustainability and he said, there were not anymore importance sustainability projects that the community would undertake, then the sustenance and the strengthening of the children of this community and that was exactly what this idea was about.

He said he would like to work with Planning Staff in developing this concept, in general, but perhaps on this specific site with the help of the School District and County. He said they knew the School District did have the possibility of sometime of building a school of some type, some grade level, at that location and wanted to set aside a part of that land that would not be encroached where that development could be done in the future. The land was in the School Districts purview and they knew the School District was interested in this concept and needed to set aside land for that future use at that location.

Mayor Amyx asked if the community study discussed in the report could be held in-house at City Hall.

McGrew said ultimately he thought there should be focus groups so that everyone had input. He said this was a property that was not immediately needed for the City or for the School District, but realized there might be uses the City wanted for that area as well as the School District. In the beginning, a pond and walking trail would be very low impact uses that would be beneficial to the property. The pond, at the very least, was a detention area that any development would ultimately need. He said "Outside for a Better Inside" just wanted to be part

of the dialogue. He said they wanted to foster this idea, reconnecting children with nature and the outdoors, knowing that it has been proven that it made it happier, healthier and smarter citizens. He said it taught personal responsibility and self reliance and today, children were very good at following computer programs, building their left brain, but many children did not have the opportunity to play creatively outside building their right brain. He said he was not sure exactly how to go about this concept, but wanted to share this concept with the City Commission.

Mayor Amyx said he thought it was good idea. He said the City Commission was caught off guard in how the City Commission proceeded in looking at any new item. He said the land that was being discussed was part of the inventory of land the City had available, but was for some future designation. If the City Commission wanted to take the next step with this community study and what would be involved, the idea of a Capital Improvement Program for protection of people that donated money and volunteering would help to make sure the City Commission understood what future recreation would look like in this community with other areas that were in the planning stages now. He said the City Commission would probably proceed because parks and recreation obviously was a big part of this community.

Mayor Amyx called for public comment.

Richard Heckler, Lawrence, said "Outside for a Better Inside" sounded wonderful, but when looking at the plan, he saw more than a trail and a pond. He said he agreed with the trail and pond and all ponds should connect to the entire community. He said it looked like some fairly expensive project attached to this concept. He said he did not know where the money would come from and the public deserved to know exactly what type of tax dollars were truly going to end up going into this concept to make it work. He said he knew McGrew was not asking for tax dollars, but it looked like it would take something from the Parks Department to make the concept work.

He said this concept needed to be presented to the public in a dollar and cents way and if it was going to involve a lot of money, then the taxpayers deserved a right to vote on that concept before allocating funds.

Hubbard Collingsworth, Lawrence, said the location was far enough east where transportation was available and liked the idea of the trails interconnecting. He said he would like to see some discussion regarding a zoo for Lawrence, because other cities were pursuing that concept to attract more people.

Mayor Amyx regarding Heckler's comments, he said he did not disagree, but there had to be a plan and the drawings were presented to the City Commission on their dreams for that property. He said once getting to the financing portion there would be opportunities to discuss financing and the community's participation.

Mayor Amyx asked about an appropriate plan on how this concept would be part of the Planning Commission's discussion as well as staff discussion.

Scott McCullough, Director of Planning and Development Services, said staff tried to get the Planning Commission's Parks Board together once a year and staff could try to schedule a meeting this fall. In the mean time, staff could perform an analysis of the study mentioned about Lawrence's future plans. Staff would be happy to meet and discuss those dreams and what might be next steps.

David Corliss, City Manager, said it made sense to involve Planning and a number of other City Departments that would be impacted. The City had been successful in enlarging a number of park opportunities at relatively modest cost. A good example was the nature park the City acquired off of Folks Road, north of the Bauer Farm Addition where the City had successfully put in a trail, a parking lot and was used by number of members of the community. He said it made sense to do some planning and there were cooperation issues with the School District because some of that property was owned by the School District and obviously, involving the County as well. It would be a number of years before a City infrastructure would

be available at this site. There was a modest water line that served the sanitary sewer pump station, but it would be awhile before any type of large scale infrastructure is at that location.

Mayor Amyx said in going through the budget process, a recommendation was made on a west side recreational center, but the staff could not continue with that recommendation at this time. He said there had been a lot of trail network and what would be important was to understand the investment the community had already made in connecting the trails. He said they needed to understand what was already done by staff and members of the public that had already made a large investment. He said all members of City staff needed to be involved because this concept could be a very big undertaking.

Corliss suggested the City Commission direct staff to come back with some type of implementation report in talking to the School District and County. He said planning functions were important and public, parks and rec advisory board, and McGrew's group as well could come up with milestones.

Mayor Amyx said this was not the only part of the park system and if it was simply a goal of getting children out and the public outside for better health, this program could be an enhancement of what the City was already doing.

Moved by Chestnut, seconded by Dever, to receive the request from John McGrew, Outside for a Better Inside, regarding discussion about a wellness campus, complete with pond and walking trail and direct staff to work with John McGrew, School District, City of Lawrence, Douglas County, City at-large and others to provide a report to the City Commission on an Implementation Plan for Outside for a Better Inside. Motion carried unanimously. (18)

Conduct a public hearing on a request for a distance restriction waiver for the sale, possession and consumption of alcoholic liquor for the Oread Hotel Block Parties. Consider finding that the temporary event and sale of alcoholic liquor is not adverse to the public safety and welfare. Consider approving a distance restriction waiver. Consider adopting on first reading Ordinance No. 8553, allowing the temporary sale, possession and consumption of alcoholic liquor on specified city property for the Oread Hotel Block Parties

Mayor Amyx called a public hearing on the proposed distance restriction waiver for the sale, possession and consumption of alcoholic liquor for the Oread Hotel Block Parties. He said this item was on the City Commission's agenda last week regarding using the public right-of-way. The City Commission approved the item on a 3-2 vote. He said Commissioner Johnson was absent and would like to continue the public hearing for one week after public comment was heard to allow for a full Commission.

David Corliss, City Manager, presented the staff report. He said a memo was provided by staff and he would be happy to respond to questions. The law required the City to provide notification and a public hearing. He said for notification purposes, staff was asking the City Commission to at least conduct the beginning of the public hearing and continue the public hearing for a week. He said given the City Commission's action last week by conditioning the use of the public right-of-way with a review that any action the City Commission would conduct on this issue, that the Commission made the same condition as well.

Mayor Amyx called for public comment.

Dennis Brown asked if public comment would be taken next week.

Mayor Amyx said it was because of the split in the City Commission's vote last week. In fairness to the applicant and the neighbors in the area, he suggested a full Commission.

Moved by Cromwell, seconded by Dever, to continue the public hearing on a request for a distance restriction waiver for the sale, possession and consumption of alcoholic liquor for the Oread Hotel Block Parties, for one week, to allow for a full City Commission. **(19)**

Conduct the public hearing on the proposed 2011 Budget and consider the following items related to adoption of the City's 2011 budget:

Mayor Amyx called a public hearing on the proposed 2011 Budget.

David Corliss, City Manager, presented the proposed 2011 Budget. He said this was the statutory required public hearing and the budget was published with slight reductions. The

budget provided for no mill levy increase for the City and the total budget was approximately \$170,000,000.

The City was challenged with assessed valuation because it was down for two years in a row, .09% to build the 2011 Budget. The City would receive less property tax for the 2011 Budget than what the City was planned to receive this year. The City had reduced non public safety workforce by approximately 16% in the general fund, over 24 position and there were 10 positions that would be reduce through attrition for the 2011 Budget, one position in Information Systems, two in Parks and Recreation Department, and two in the Public Works Department. Also, in the sanitation department, five positions in the Solid Waste Division.

He said staff continued to focus on the City Commission's goals and priorities, and understood the Commission's goals were to maintain adequate funding in the City's public safety department, police department and fire department and staff would not be reduced in those departments through attrition or otherwise.

He said it was understood another priority for the Commission was street maintenance and infrastructure maintenance and the City was putting more funding into streets than in previous years.

Economic Development was a top priority in the community and was continuing funding in biosciences area and had funds set aside in the debt budget for first phase work for Farmland and increasing funding to be congruent with what Douglas County was doing for marketing efforts through the Chamber of Commerce. He said they were maintaining social service funding at the 2010 levels and thought that was important given the economy and the importance of social services to the community. Most departments the City had were seeing reductions in some form, either in training and equipment acquisition, in order to meet the City's strained resources.

Staff understood the City Commission did not want to see a rate increase in the Water and Wastewater fund and what was presented to the Commission was Scenario 4, and were

aggressively looking at the City's expenditures on the operation and maintenance side of the Utility Department, budgeting at or below their historic levels for spending with the plan that those resources would be used for capital projects in 2011 as available.

One key element was the City was on its way the Wastewater Master Plan and the City Commission would be seeing a recommendation in August so that it could proceed as well.

Staff was in discussions with wholesale rural water district customers and anticipated that item would be important agenda items in the near future and into the fall to try and have longer term agreements with those entities, perhaps at a rate that was attractive to ensure those long-term agreements. The budget the City was considering for adoption did not change the water and sewer rates for Lawrence residence and anticipated that later, this year, the Commission would see some changes in the wholesale rates.

He said regarding the Sanitation Division, it had been a very challenging budget and appreciated the work from staff. He said a briefing took place earlier this summer, with Charlie Sedlock, with the Hamm Quarry, regarding their request for an increase in landfill rates. He said the City's landfill rates were below market rates and what was done with the proposed budget was to include a 5% increase in rates for sanitation, the result for most residences was a 70 cents increase per month for residential users of the solid waste utility and believed that increase would be sufficient to cover the anticipated agreement with Hamm Quarry later this year and it would allow staff to do adequate staff, equipment purchases and also, following up on Commission interest, the deployment of GPS, to see if staff could improve on routing of solid waste vehicle.

He said staff had provided additional information that responded to the City Commission's questions and could go into any level of detail. He said Casey Toomay, Budget Manager, was the right hand person in accomplishing budget goals and he wanted to publicly acknowledge her work and others that guided staff through some challenging budget times, but were pleased with a \$170,000,000 that the Commission would be considering at this time.

Mayor Chestnut asked about the status of the Memorandum of Understandings (MOU)

Corliss said there was a staff memorandum and proposed addendums recommended for the Memorandum of Understanding for the Lawrence Police Officer's Association (LPOA) and the International Association of Fire Fighters (IAFF). The City Commission would be considering funding in the budget, at this time, to implement those recommended MOU's.

Mayor Chestnut said the City had an agreement.

Corliss said LPOA and IAFF memberships had signed off on those agreements and their Presidents had the authority to execute those agreements.

Mayor Amyx called for public comment.

Laura Routh, submitted comments to be added to this agenda item. The comments submitted were as follows:

"In its proposed budget, the City of Lawrence is to be commended for seeking to maintain property tax rates and reducing departmental spending. That said, I am concerned, specifically, about two separate sections of the City's budget.

Let me begin by addressing solid waste.

I feel that the city's proposed budget priorities for solid waste management are misguided.

While I am pleased to see that the City is implementing some additional fees for excessive waste loading time, I do not think it is enough. Through its rate structure, the City should discourage waste and incentivize waste reduction and recycling. Instead, we continue to ignore reality. We need PAY AS YOU THROW. I know PAYT is politically uncomfortable. But sometimes, as leaders, we have to do what is right, not just what is popular.

In regard to solid waste management in Lawrence, we have been living in a fool's paradise for far too long. Low landfill prices, until recently, have kept us complacent. And so long as the City continues to allow residents to dispose of unlimited amounts of trash for one low price, we will be vulnerable as a community. As I have said before, if the City had developed a long range solid waste plan years ago, it would be there to help us, now, to control costs and embrace waste deduction opportunities as they arise. Sadly, with no real plan in place, we are at the mercy of the market. Mark my words: waste management costs will continue to rise. The sooner we acknowledge that, and begin to plan and realistically budget for the long-term, the better off we will be.

The city's current solid waste department budget fails to plan for the future. In the face of real increases in landfill costs, we are opting to continue subsidizing waste generated, given citizens the wrong impression. The proposed city budget ignores PAYT as an option, reduces WRR funding, appears to continue a long standing subsidy for commercial waste generators

(who pays way less in Lawrence, when comparing to costs extant in the metro area) and continues to reward those who waste the most. I believe that the Commission should review proposed solid waste rates; revisit budget priorities, and include line items for solid waste planning and implementation of PAYT.

Second, let me address the police department budget.

At about 14 million dollars in annual expenditures, the LPD budget is one of the City's biggest areas of spending. As described in its 2011 proposed budget, I believe that the LPD's performance indicators are woefully inadequate. Here are 4 performance indicators that the LPD has provided: Calls for service; Offense cases; Accident investigations; Custodial arrests.

Virtually every other City department detailed in this budget provides meaningful performance indicators-citizen satisfaction; the number of reports or applications completed or processed; the timelessness of response to calls for service. But the LPD performance "indicators" measure only the department's routine workload: as performance indicators, the measurements offered seem disingenuous—the department had no real control over how many calls come in or how many accidents occur. How does this help us – the tax payer – know whether our tax dollars are being well spent? The LPD's indicators are not meaningful measurements of their performance. IMHO, the section on the LPD is the weakest part of the City's budget document, overall.

The LPD needs to be held to specific performance measures, just as all other City departments are. Performance indicators for the LPD should give City officials and citizens the information needed to honestly assess the outcomes and activities of the LPD.

Example of useful indicators:

<http://www.lincoln.ne.gov/city/police/dashboard.htm>

<http://www.scotland.gov.uk/Resoruce/Doc/1101/0047863.pdf>

Valuable performance indicators for police departments, nationwide, take many forms: use of force reports; measure of public confidence; outcomes of prosecutions; case file audits; response time, FOIA/KORA requests; legal actions taken against the department; the number of citizen complaints received about the department; their worker's compensation claims; crime clearance rate; emergency call response time; reduction in neighborhood calls/issues (i.e. problem houses); detection rate for recorded crimes; lost time claims (attendance rates for officers); overtime costs as a proportion of total salary expenditures; public satisfaction with department, overall.

Several years ago, the City paid an outside consultant a significant amount of money to help the LPD create and implement performance indicators. To the best of my knowledge, and based on the 2011 budget presented, nothing appears to have come of this. Why?

In 2008, an audit of the Police administration bureau approved by the City Commission, to the best of my knowledge, this audit still has not been publicly released. I don't think the problem is with the City auditor. I can't help but wonder if the problem isn't with the LPD, itself. Is City Hall reluctant to release the findings of the audit? If so, why?

The City must ensure that through its budgetary processes, the LPD demonstrates to the public the value of their policing. The current LPD budget does not do this—at best, it reinforces the perception that the department is accountable to no-one, least of all, the taxpayers.

I appreciate your consideration of my concerns. I recognize that budgeting in this economic climate is a challenging task. I sincerely appreciate your efforts on behalf of the taxpayers of the City of Lawrence."

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

Commissioner Chestnut said with solid waste, Routh addressed the "pay as you throw" situation which was something that was a policy issue the City Commission needed to address. He said they had a very good internal audit which revealed some issues, weaknesses and had a transition in management.

He said a time and attendance system for all departments was absolutely critical in discussing performance measures, finding out what people did, when they did it and how they did it. He said there needed to be some tools to measure to create those metrics.

Also, he was in favor of GPS and was necessary in order to make some policy decisions about taking the next step. He said they were searching for a Director in that group that would help. He said staff was taking measures to stabilize things because of transition and hoped for continued improvement. The big thing was to stabilize to make sure the enterprise fund was self sustaining. He said in 2008, the City was down \$350,000 and came close to balancing that amount this year. He said they were trying to get revenues and expenses to match each other.

He said regarding commercial rates, he agreed with Routh, but they had taken commercial rates up while holding residential flat and even if Routh was correct that the City was a little under the market, it was very difficult to go from "A" to "Z" in one year because that sent a shock to the system and there were businesses to take into consideration, small business to absorb that shock. He said over time, if they were benchmarking the market, the commercial rates were going to grow at a more rapid rate than residential.

He said relative to police, he looked forward to Eglinski's response. Time and attendance was going to be important for that department as well, in having a clear sense of

what was happening. Data was needed to be readily available because a lot of the City's Directors did not have information at their finger tips and the City Commission was pounding on the Directors to come up with more efficiency, but not necessarily giving the Directors the tools to do so. He said Routh's comment were well taken, but hopefully as a continuum, continue to improve.

He said on a chart that Routh provided, it showed that the City's mill levy was going down by .014. He said it was $\frac{1}{2}$ of 1 percent.

Casey Toomay, Budget Manager, said that was the way the calculation worked out if using the assessed valuation and do the math which equated to \$12,000. She said the City's budgeted mill levy and what the County certified as the mill levy, usually was tweaked a little.

Commissioner Chestnut said he felt good about providing a flat mill levy and 70 cents a month for trash.

Vice Mayor Cromwell said he agreed with Commission Chestnut's comments regarding solid waste and was an area where a lot of work was needed. He said having the auditor in place was one way to keep the City running more efficiently and hoped to see that in the Police Department as well as all of the departments. Any time the City could operate more efficiently, more work was completed for the same amount of money when the City was spending less money the last couple of years. He said a lot of economic development projects were completed, new sustainability coordinator, and a lot of neat exciting things were completed and would continue with new projects next year. He said the City would continue to work on its efficiencies and wanted to see some additional infrastructure improvements coming up and everyone was waiting for the economy to turn around. He said it was good the City was trimming down in the lean times because when there was more money in the future, the City would keep that leanness and move forward with some excellent projects.

He said departments could play games with their budgets in trying to keep as much money as they could, but it was not happening and everyone had come forward and tried to

help out with this process of saving money. Staff had been great and the City Commission had taken a look at what the City could live with and what the City could live without. He said they appreciated the public comment received as well.

Commissioner Dever said the City was fortunate to have some fantastic Department Managers and a City Manager who took the will and desire of the City Commission as well as all the citizens and put it into reality.

He said Commission Chestnut, once again, brought his extremely excellent skills at assessing those numbers and coming up with realistic expectations and goals for this community and thanked Commissioner Chestnut because it made his job easier.

He said generally speaking, this has been about as interesting a year as could be imagined. Next years budget was going to be difficult to live by, but the City Commission was committed and had shown the City could do so. He said the city would be receiving fewer dollars next year. He said he felt the City was doing more with less and that was all anyone could ask from government. He said for the people that worked for the City, he was not happy the City Commission could not do more, but given the economic conditions, the City was doing a great job. He said he was happy the City Commission was able to keep the mill levy stable, but really happy to do a lot with less.

He said when it came to solid waste this had been the example of where the City Commission focused with a strong passion on what was being done and what could be done better. He said if the City Commission continued to focus on other departments, the City Commission would be able to find better ways to provide those services. He said the City Commission was not done by any means, of fixing some of the problems, which meant it was going to cost more to dispose of waste and hoped the City Commission could find a solution to controlling output and focusing on how to charge those users of the services a fair amount and hopefully equivalent to their use.

He said regarding the waste water fund, everyone would be appreciative that those rates would not be raised, but they would not be able to do some things.

He said the City Commission was not putting anything off at the City and were taking care of what the City had with the dollars the City had. He said he had people comment the City Commission was putting off some of the expenditures and bootstrapping it. He said they were continuing to offer good services for this community and proud to be a part of this Commission and live in this community. He said he was willing to move forward.

Mayor Amyx said he had the opportunity to serve on a number of Commissions that had been involved in tough times and making decisions. Any time putting five people together, such as the City Commission, egos and personalities had to be considered to come up with decisions in putting together a budget for the following year. There were all types of things that could potentially get in the way.

In April there was discussion about fund balance and he suggested a mill, but concluded the mill levy would not be raised and if they had to dip into the City fund balances, the Commission would make sure it was going to be the last resort.

He said he wanted to assure Routh that there was no department at City Hall that was given a pass on any of the budget process. It was important when looking at revenues, not to increase revenues next year. He said it was important that department heads and people throughout every department worked together, finding areas to save to fund the budget in 2011.

He said continued improvements would be made and more money spent on roads, but not a rate people would like to see those improvements happen. He said City staff had made recommendations on the budget to make sure that when this economic downturn was completed, this City would be the leaders throughout this State. He said this was a total team effort and could not be done any other way.

Moved by Chestnut, seconded by Cromwell, to adopt on first reading, Ordinance No. 8551, adopting and appropriating by fund the 2011 City of Lawrence Budget. Motion carried unanimously. (20)

Moved by Chestnut, seconded by Cromwell, to adopt on first reading, Ordinance No. 8546, establishing solid waste service rates for 2011. Motion carried unanimously. (21)

Consider approving Management Plan for Lawrence Community Shelter, located at 3701 Franklin Park Circle. Per conditions of SUP-1-3-10, the Management Plan must be approved by a supermajority vote.

Sandra Day, Planner, presented the staff report. She said this was the property that was next to the jail and there was some undeveloped industrial parcels surrounding the proposed shelter as well.

This entire special use permit was made up of a couple of parts that being the site plan and the floor plans the City Commission had previously acted on and the management plan which was currently being considered.

The Planning Commission held a public hearing in March and the City received a protest petition. The City Commission approved the Special Use Permit on April 20, 2010 and that ordinance was published on June 10, 2010. One of the conditions of approval was that the management plan be approved and part of that required the applicant to hold 3 public meetings which were held May 20, June 1, and June 10 and as each revision was provided to staff, it was posted to the website for broader public review of that management plan as additional language was added or revised throughout those meetings.

She said there was the continued discussion about this site being a dry shelter which was defined in the Management Plan, meals were served to guests staying in the shelter so the drop in piece had been removed. She said parting guests had been a concern and either someone was leaving for the day or leaving the program for whatever reason and that they were not allowed to loiter and wonder around in the immediately surrounding area and was addressed in the Management Plan. The maximum occupancy was capped at 125 guests.

She said the City Commission saw some of that language for the existing shelter on Kentucky. One point of the discussion was working to define some of the loitering and keeping individuals that were using the outdoor recreation areas into those designated recreation areas. If the area at some point if that area was utilized for a garden and someone was actively working in that area, it would not be considered loitering.

She said a valid protest petition was received and required four votes for approval and the request to the City Commission was to approve the Management Plan that went with this project.

Loring Henderson, Director of LCS, said over the past few months, as guided by City Commission and the requests of the neighbors of the new site, the shelter board and staff had worked in collaboration with the Community Cooperation Committee to conduct a series of neighborhood meetings with both residential and business neighbors to listen to their concerns and to strengthen the management plan. He said they mailed out 919 invitations to residential and business members and made a serious effort to reach the neighbors for those public meetings.

He said clarifications that had been made in the Management Plan included a better definition of "Level 1" as a probationary stay, the statement of purpose of the Management Plan, the mission of the Shelter, and loitering and panhandling policies of the Shelter were clarified.

In addition, the good neighbor agreement that would be finalized with the neighbors had a good neighbor committee to review the management plan and the good neighbor agreement and to keep good communication between the shelter and its neighbors.

One of the best results of this management plan with this case management and the relocation of the Shelter to Franklin Park would be the enhancement of and addition to the LCS programs.

The Baker University Clinic was currently in a rudimentary stage at the current shelter, but had its own medical room in the new shelter. Yesterday, he said he met with a Department

of Labor Representative from Kansas City, Kansas, that worked with workforce center. He said the representative had several employment training ideas to implement in the jobs area of the new building which were exciting to think about for the shelter guests and the community at large.

Increasing the size of the “Good Dog Biscuits and Treats” project would certainly occur. The Shelter had housed 9 shelter guests through this program so far and more would come. A person could not help but be impressed with the pride and joy the employees of “Good Dog” have in their work when meeting and seeing them work at the shelter and the “Dog House” which was the retail store opened on 9th and Connecticut or at the Farmers Market. Those were some of the outcomes the shelter had accomplished so far and expected to build on in its new facility. They planned on having the best shelter the Lawrence and Douglas County deserved.

Mayor Amyx called for public comment

Sarah Taliaferro, Chair, Community Cooperation Committee that worked in conjunction with Community Commission on Homelessness, said she was one of five members of that committee who were also part of a facilitation team which facilitated the 3 public meetings that were held.

The primary concerns were off-site activity of Shelter guests and whether or not there were outside activities and the role the shelter would play in addressing those activities. The discussion of security on-site and around the site and large questions about what impact, if any, would be there be on parks or other public spaces.

The next group of conversations was the management plan and some of the things Henderson mentioned, just a clarification of Level 1 and Level 2, and the overall program process from intake onward. She said Henderson gave case examples and made it more clear just what a day in a life might look like.

Also, discussion of maintenance of the property and surrounding area and transportation issues came up which was a concern that would be addressed when going through the public process of locating a bus stop. The business neighbors, especially, would like to have some public input and safety concerns addressed.

A lot of the issues were handled or addressed by changing language which reflected new policy more clearly, or clarified current policies and a lot of discussion about what taking that drop in center piece out of the picture, what that meant and how the new shelter would be different.

The remaining issues and tasks was to form an interim good neighbor committee and would work with representatives to get equal representation and hold that meeting and set up the parameters for meetings and agendas, settings, and decision making within that body.

One of the overarching concerns was that there had to be a process in place so that concerns did not just reach an impasse and die and they would work to set that up with balanced representation and equal say. Also, monitor on-going concerns and establish communication and resolution protocols.

She said neighbors and shelter representative alike came to the table in good faith and it was emotional because everyone had a lot at stake, but everyone asked excellent critical questions and she saw a lot of positive signs for collaboration in the future.

Joann Dahlberg, neighbor in the area, said when the issue first came up of moving the shelter, a notice was sent and they attended all of those meetings. She said they were interested, where they once lived, in helping serve those in need and came to the table with that in mind. She said they heard the concerns of the neighborhood too and understood. She said one question was if the Shelter was so far away, how would people walk to the Shelter in order to get in to the Shelter in the evening and then get up to work all the way back through the neighborhoods, but it was explained that it would not happen at all.

Another concern was transportation when leaving the site and she was assured that there would be a bus or transportation would be arranged when leaving the shelter. She said some people would be concerned about how the site would look on the outside and what was covered in the Management Plan.

She said they fully supported the shelter and the Management Plan was unique and had answered all the questions that were brought up at the meetings. Franklin site was a good site because it allowed for mixed use.

Brad Cook, Lawrence Social Worker, Co-Chair of Coalition for Homeless Concerns, said he supported the Management Plan for LCS at its potential site at Franklin Park.

He said he had been to all 3 neighborhood meetings and thought those meetings were all decently attended. The neighbors that attended had worth while questions and all those questions were listened to and responded to appropriately by the Shelter and their staff.

As of his opinion, the Management Plan offered detailed criteria for the programs of the Shelter, its rules and consequences regulations, and safety and admission standards. He said he hoped the City Commission would approve the management plan and thus allow the shelter to begin its operations at its new location.

Mayor Amyx said his only question was the action and consequence section regarding when a police report was filed and when it should not be which was added to the Management Plan.

Commissioner Chestnut said the process had been somewhat long, but there was a much better clarity about what the intent was in the management plan because it was important going forward on how it would be supported.

Commissioner Dever said it was great to see the process continue and good to hear neighbors nearby were attending the meetings and people were getting a chance to get information they needed for support or if they were against it, they would understand more about what was happening in that area.

Vice Mayor Cromwell said he echoed the Commission's comments. He said the Management Plan illustrated the differences between the Franklin Park site and the current site. The downtown location hampered the ability of the Shelter to succeed as well as the size and location proximity to neighbors. The current Management Plan showed the strength of programs that were designed to help people reintegrate into society and help those people fair better into this world which was nice to see. He said the new Management Plan showed a much more complex approach to the very complex problem of homelessness. He said he was ready to move forward and wished the Shelter the best of luck.

Mayor Amyx said in following the process, the code set out an understanding of the responsibilities to make sure the public health, safety and welfare was protected and to require a process the applicant had to go through to come up with the management plan that was going to assure everyone that actions and consequences would be exercised.

Moved by Dever, seconded by Cromwell, to approve management plan for Lawrence community Shelter, located at 3701 Franklin Park Circle. (22)

PUBLIC COMMENT: None.

FUTURE AGENDA ITEMS:

- August
 - Discussion of statutes governing primary elections for office of City Commissioner.
 - 23rd and Ousdahl CID request public hearing.
 - Changes to sidewalk dining regulations.
- 08/03/10
 - 2011 City Manager's Recommended Budget adopted on second reading.
 - Consider approving Text Amendment, **TA-4-4-10**, to the City of Lawrence Land Development Code, Chapter 20, Section 20-403 of the Code of the City of Lawrence, KS to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. *Initiated by Planning Commission on 4/26/10. Adopt on first reading, **Ordinance No. 8543**, for Text Amendment (TA-4-4-10) to the City of Lawrence Land Development Code, Chapter 20, Section 20-403 to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. (PC item 6; approved 6-4 on 6/23/10)*
 - Receive status report from the Peak Oil Task Force and approve an extension of work to present the final report by December 31, 2010. Staff

Memo & Attachments

- 09/07/10 · Review of Oread Hotel Block Party right-of-way permit.
- 10/12/10 · Receive presentation from Westar Energy on the Smart Grid program.
- November · Receive status report on LCS relocation efforts.
- TBD · 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. Staff Memo & Attachments

ACTION: Direct staff as appropriate

- 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. Report
- Receive request from Lowe's for formation of a Community Improvement District (CID).
- Receive public comment on proposed Comprehensive Plan Amendment CPA-2-1-09 to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan. Consider placement on a future agenda Ordinance No. 8496, for Comprehensive Plan Amendment (CPA-2-1-09) to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan. (PC Item 10; approved 7-0 on 1/27/10) Staff Memo 07/15/10 Draft Plan 07/15/10 Staff Report 01/27/10 PC Approved Plan Correspondence to CC Correspondence to PC (2010) Correspondence to PC (2009) HRC Action Summary PC Minutes - January 2010 PC Minutes - December 2009 PC Minutes - November 2009 PC Study Session Minutes - August 2009 PC Minutes - June 2009 PowerPoint Presentation

ACTION: Receive public comment and direct staff concerning placement on a future agenda, if appropriate.

- **Regulations on portable toilets.**

COMMISSION ITEMS:

Mayor Amyx said he had questions about parking arrangement downtown and people that were performing service work in that area and were backing into parking places to unload and were receiving tickets.

Also, discussion was needed concerning the Community Commission on Homelessness and what were the City Commissions expectations were for that committee.

Vice Mayor Cromwell said he was asked to take a look at the use of portable toilets in the Oread Neighborhood during the football season on residential property that was not undergoing a construction project.

Moved by Chestnut , seconded by Cromwell to adjourn at 8:23 p.m. Motion carried unanimously.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF July 27, 2010

1. Bid – Weatherization Boys & Girls Club, 1524 Haskell Avenue, Harris Heating & Cooling for mechanical upgrades (\$16,930) and Rock Chalk Exteriors for siding replacement (\$31,908).
2. Bid - Gas Chromatography/Mass Spectrometer Instrument for Utilities Dept to Agilent for \$82,211.97
3. Agreement renewal - Microsoft software maintenance 7/1/2010 to 6/30/2011 Software House International for \$69,049.
4. Contract - time & attendance payroll software system to Executime for \$72,544.
5. Bid - asphalt material for repaving of 13th St, Oread Ave & portions of Oak Hill Cemetery.
6. Ordinance 8545 – 2nd Read, alcoholic liquor on city property, 8th from Noon on Saturday, 08/14/2010 to 1:00a.m. Sunday, 08/15/2010.
7. Resolution No. 6886 - Environmental Blight – 214 N 6th, 20 days to abate.
8. Resolution No. 6897 – GOB issuance of \$5.6 million State Revolving fund Loan 2087.
9. RFP - 23rd Street KDOT Bridge Replacement Utilities Relocation (UT1003C3).
10. Variance - 1530 W. 6th -private sanitary sewer service not located in a City ROW length greater than 15'.
11. ROW permit - Lawrence Public Library, 700 block of Vermont, Thursday, 08/05/2010 from 5 p.m. to 9 p.m., for the Last Splash Bash.
12. ROW permit - 2010 Busker Festival, closure of 8th from Mass. St. E to alley from 3 pm 11:30 pm 08/20/2010 & 12:00 -11:30 p.m. 08/21/2010 various downtown locations.
13. ROW permit - N entrance to NH St. Parking Garage.
14. Aviation Advisory Board's recommendation of appointees to the Planning Advisory
15. City of Lawrence Employee Health Care Plan effective 08/01/2010 – age provision changes.
16. Receive 1ST & 2ND quarter reports for Bert Nash outreach program.
17. City Manager's Report
18. Outside for a Better Inside - Wellness campus, pond & walking trail.
19. Oread Hotel Block Parties - alcoholic liquor (continued for 1 week)
20. Ordinance 8551 – 1st Read, 2011 City of Lawrence Budget. (public hearing)
21. Ordinance 8546 – 1st Read, solid waste service rates for 2011. (public hearing)
22. Lawrence Community Shelter - Management plan, 3701 Franklin Park Circle.