



City of Lawrence

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CITY COMMISSION

MAYOR
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

October 25, 2011

The Board of Commissioners of the City of Lawrence met in regular session at 4:00 p.m., in the City Commission Chambers in City Hall with Mayor Cromwell presiding and members Amyx, Carter, Dever and Schumm present.

A. STUDY SESSION

1. The City Commission held a study session with the Parks and Recreation Advisory Board.

After a break, the regularly scheduled City Commission Meeting began at approximately 6:35 p.m. Mayor Cromwell thanked staff and community leaders for their participation in the Take Charge Challenge.

B. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Proclaimed Monday, October 31, 2011, between the hours of 6:30 – 8:30 p.m. as Halloween Beggars Night.

C. CONSENT AGENDA

It was moved by Schumm, seconded by Amyx to approve the consent agenda as below. Motion carried unanimously.

1. Received minutes from various boards and commissions:

Bicycle Advisory Committee meeting of 08/16/11
Lawrence Cultural Arts Commission meeting of 08/10/11
Sustainability Advisory Board meeting of 09/14/11
2. Approved claims to 222 vendors in the amount of \$3,457,005.14, and payroll from 10/09/11 to 10/22/11 in the amount of \$1,834,798.11.
3. Approved licenses as recommended by the City Clerk's Office.



Drinking Establishment License for Encore, 1007 Massachusetts, Retail Liquor License for Glass House Liquor, 2301 Wakarusa Ste: C, Sidewalk Dining & Hospitality Licenses for The Mad Greek, 907 Massachusetts, Ingredient, 947 Massachusetts, Wa Restaurant, 740 Massachusetts, Milton's Coffee, 920 Massachusetts, Esquina, 801 Massachusetts and Chipotle Mexican Grill, 911 Massachusetts.

4. Adopted Resolution No. 6955, amending Resolution No. 6919 and reallocating the expenditure of the remaining \$153,705 of the Energy Efficiency and Conservation Block Grant (EECBG) funds to the downtown streetlight project.
5. Authorized the City Manager to execute a five year agreement between the City of Lawrence and the Kansas State Historic Preservation Officer for the performance of project reviews required under K.S.A. 75-2724, as amended.
6. Authorized the Mayor to sign a Release of Mortgage for Larry and Barbara Miller, 1325 E. 16th Street.

D. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the City Manager's Report.

Casey Toomay, Budget Manager, presented the third quarter budget report.

E. REGULAR AGENDA ITEMS:

1a. Consider adopting the following resolutions regarding the City of Lawrence Economic Development policies:

a) Resolution No. 6952, repealing Resolution No. 6790 and establishing a policy relating to Transportation Development Districts.

b) Resolution No. 6953, repealing Resolution No. 6887 and establishing a policy relating to Community Improvement Districts.

c) Resolution No. 6954, repealing Resolution No. 6921 and establishing a policy relating to Neighborhood Revitalization Areas.

David L. Corliss, City Manager, introduced the item.

Britt Crum-Cano, Economic Development Coordinator, presented the staff report.

Schumm said the original draft sounded not strong enough and would invite people to suggest that they deserve more than 50%. He wanted to get to a standard where the city participated equally with the new development to get new revenue. He said he thought option one was better. He thought option two was contradictory.

Cromwell thought they said the same thing but offered a little bit of clarity.

Mayor Cromwell called for public comment.

John R. Tuttle III asked if they were discussing a moratorium for developers' taxes. He said they are selling you out.

Michael Tanner said he was having trouble understanding a few of the agenda items. He said he needed a copy of the resolutions. He said they were removed last week and he wasn't able to see them. He wanted to know what was in them.

Cromwell said the copies of the resolutions were available since last Thursday.

Tanner said he didn't have internet access and that he wanted a copy. He wanted a copy now before it was on the agenda. He said his concern with Resolution 6953 was that the results of CIDs were unfavorable to some people. He wanted to know what was going on with the Homeless Advisory Committee.

Cromwell said the presentation of the next agenda item would hopefully help him understand the item.

Moved by Dever, seconded by Schumm, to adopt Resolution No. 6954 (with alternate language option 1), establishing a NRA Policy. Motion carried unanimously.

Moved by Carter, seconded by Amyx to adopt Resolution No. 6952, establishing a TDD Policy, and Resolution No. 6953, establishing a CID Policy. Motion carried unanimously.

1b. Consider adopting Resolution No. 6951, renewing the purpose, restating the duties, and renaming the Community Commission on Homelessness to the "Homeless Issues Advisory Committee", as well as repealing Resolution No. 6608.

Margene K. Swarts, Assistant Director of Development Services, presented the staff report.

Charlotte Knoche, Chair of the Community Commission on Homelessness asked that Commissioners approve this proposal. She was concerned that the community continued to

have the resources to implement policies and programs to match up needs and resources as best as possible.

Amyx asked how the Committee would monitor the effectiveness of programs.

Knoche said they would continue the same kind of monitoring they are doing now.

Dever asked what was the substance of the changes from the former commission.

Knoche said it was more specific in that it was not as restrictive in requiring the members to be residents of the city. It also specifies that the commission would advise on continuum of care services. They would review proposed projects coming into the community. They would look at whether services were duplicative.

Mayor Cromwell called for public comment.

Debra Terry said she heard nice positive language but she asked what exactly was the housing vision.

Swartz said it was a document put forward by the CCH looking at emergency shelter, temporary housing, and permanent housing and moving people through all those realms in the community. Not everyone goes through all those phases. It is a vision for housing across the community. It was adopted in 2007 and updated in 2008.

John R. Tuttle III said there was a lot of verbiage he had an issue with. First, he didn't like the word homeless. That is a lie and creates fear and separation in the community. He didn't like the phrase Task Force on Homeless. He asked what gave birth to the officers in the white shirts. They were homeless stalkers and they were in violation of constitutional law. He said he was referred to as transient. He was not a transient, a bum, or homeless. The earth was his home. It is a matter of your own survival and civility. When all of your livelihoods are over you will be in trouble. You ought to be ashamed of yourself. You are not the only one in the room. You are all despicable, the entire community.

Jennifer Christensen, Occupy Lawrence, said she had been in South Park for 9 days and there had to be a better way. Her word is her sacred contract. She said she didn't have solutions but she had tenacity and would try to find a solution for the homeless that she had met. Sometimes we don't have the most polished way of saying things. People make assumptions based on appearance.

Michael Tanner said he hadn't seen the resolution itself but one thing he could tell you is he didn't like the language. Being an Israeli he didn't like the language of a final plan, which sounded neo-Nazi, like a final solution. There is a force persecuting the homeless community. He would speak against it but he didn't know the purpose. All he knows is he sees language about the final plan of the task force on homeless. We needed to know what the final plan is. He said he had only read half of it. Is this something you are setting up for services to homeless people?

Cromwell said we had had this task force for many years to look at services to homeless and report back and make recommendations to the City Commission. This is a simple name change to a group that exists to help homeless people. It is very simple.

After words from Mr. Tuttle in the audience Mayor Cromwell asked him to avoid future outbursts and respect the rules of this meeting.

Mr. Tuttle said the commission should respect its citizens.

Amyx said he was proud of the work people had done to help the homeless. This takes into consideration many of the things people had been trying to do to help people. A lot of people had worked hard and done good things.

Tanner began to speak and Mayor Cromwell stated that public comment on this was over.

Moved by Amyx, seconded by Carter, to adopt Resolution No. 6951, renewing the purpose, restating the duties, and renaming the Community Commission on Homelessness to

the Homeless Issues Advisory Committee, and repeal Resolution No. 6608. Motion carried unanimously.

2. Receive and consider a policy regarding Complete Streets.

Scott McCullough, Director of Planning & Development Services, presented the staff report.

Marilyn Hull, Live Well Lawrence Coalition, spoke in support of complete streets and thanked staff for working with their coalition for 18 months on this. Live Well Lawrence had given the city a grant to develop this through a public process. She said we knew the best way to make people more active is to integrate it into their everyday routine. We think that is one of the keys to enable the entire community to be more active.

Mayor Cromwell called for public comment.

Charlie Bryan, Health Department, said he was supportive of the policy on behalf of the Complete Streets Committee. He appreciated commissioners' attendance at some of their presentations. In the last 7-8 months the committee has been working with staff to understand the process. They would like more time to thoroughly review the policy. December 6 would give the committee and the organizations they represent time to review it.

Debra Terry asked about snow removal on ramps because people with assistive devices are often homebound once it snows. The issue of charging stations for assistive devices is also important.

Gwen Klingenberg said LAN supported a policy supporting complete streets policies. The community had been working on these concepts for a number of years. The Smartcode and Land Development Code supported these policies. She said TEA-21 may be another place to look for funding for these issues. She said the program also supported pedestrians and bicycles. This would be a great time to look at some additional pedestrian and bicycle safety measures. She said she was aware of the costs of implementing these concepts immediately, but she thought the policy would help us implement them over time.

Matt Schwabauer said he thought this sounded like a step in the right direction and should be supported.

Michael Almon said he appreciated working with the city on these issues and coming up with this policy which was a great step forward. Lawrence had been pursuing some of these policies already, however, one of the main concerns was that “complete” should be a verb, not a noun. The gaps are much bigger than what is completed. The policy needed to address implementation, and that came down to funding. The policy needed some tweaking of words and he would appreciate the time to review this. He didn’t like the exception for mill and overlay. He supported street sweeping. He thought utility tricycles needed to be considered, and neighborhood electric vehicles. Mainly it was a matter of prioritizing funding. It was an easy way out to say we would implement things incrementally. If we approach this the way we did Iowa from Yale to Harvard we would never get anywhere. He had asked that 5% of the cost of that project be dedicated to complete streets policies but that had been too much.

Cromwell asked if staff was aware that the complete streets committee was not ready to hear this.

Corliss said that is why we had not put it on for adoption tonight.

Carter said a few weeks ago he went to a complete streets committee meeting and they had said they had not seen the policy yet, so this was their first time to see it.

Kelly Barth, Parks and Rec Advisory Board, said she wanted to discuss complete streets from the parks and recreation perspective. Many trails had been created, but trails were not necessarily complete streets. There was a misconception that walking and biking were just recreation and not transportation. Connectivity is important to parks and rec but they can’t be responsible for making all of the connections and moving walkers and bikers off the street.

Carter said we would receive input from the committee and others between now and December 6. Would we look at approving it at that time.

McCullough said we would take that input and provide it to the commission, as well as take direction from the commission.

Cromwell said it was imperative that we get all of the information out there so we don't have to have the discussion more than twice.

Schumm said he liked what he saw. We might be missing some things these groups would see.

Carter said we would hopefully look at best practices of other communities looking at this and hopefully we are not making this too cumbersome. He would encourage us to keep it manageable.

Corliss said one option might be to convene a meeting by December 6 with all of the stakeholders and try to synthesize their views and present it again to the Commission on December 13.

McCullough said we were happy to meet with the group and bring a report back to the City Commission.

Carter said LAN and others may want to weigh in.

Corliss said one of the issues mentioned was sidewalk snow maintenance and we might want to include that as well.

Moved by Schumm, seconded by Amyx, to receive draft policy and direct staff to convene a meeting with stakeholders on or about December 6 with a report back to the City Commission on December 13 or as soon thereafter as possible. Motion carried unanimously.

3. Receive presentation from the Sustainability Advisory Board regarding the Climate Protection Plan.

Matt Lehrman, Chad Luce, Megan Poindexter, and Sarah Hill Nelson of the Sustainability Advisory Board, presented the report.

Mayor Cromwell thanked the Sustainability Advisory Board for their work. He then called for public comment.

John R. Tuttle III said he was observant and he questioned the intentions of people in leadership. What were the intentions of this commission? Task Forces don't encourage cooperation. He said policy was being dictated by someone with deep pockets. It is a mathematical fact that there are more solutions than problems. The problems he saw were indicative of bad intentions toward the community. He asked that the commission consider those possibilities that were out there. We could run the whole city on Brown's gases and sell the excess to Westar. Maybe Westar didn't have any business on the sustainability task force.

Mayor Cromwell said he would appreciate it if we kept the comments to the issue under discussion now.

Tuttle said he was asking the citizens to get outside their dialogue of fear and quit fixating and participating in the lie that you collectively participate in. He said he was here because the State committed an act of fraud against him.

Cromwell said Tuttle needed to keep his comments to this item.

Tuttle said it was a violation of his constitutional rights to restrict his speech.

Cromwell said Tuttle's time was up.

Tuttle said we all deserved an answer. Tuttle said "horseshit".

Mayor Cromwell recessed the meeting for 5 minutes at 8:23 p.m.

The Commission resumed the meeting at 8:27 p.m.

Michael Tanner said he would like to say one thing about what John mentioned, and that was about Westar. All they wanted to do was burn oil and coal and that was not helping the situation. His friend was a genius and he got a little excited, but when he mentioned Brown's gas he was right. He was smart and knew about energy.

Cromwell said he appreciated the SAB's work on this. We don't do enough to talk about what we are doing and it is good to highlight those things. He said it may be appropriate to post their report at some time.

Moved by Schumm, seconded by Dever, to receive the presentation and direct staff to post the report. Motion carried unanimously.

F. PUBLIC COMMENT:

Cromwell asked if we were scheduled to receive an economic analysis of Josh Montgomery's issue.

Corliss said Britt Crum-Cano had been assigned to work on that and we are trying to proceed with that.

Joshua Montgomery, Community Wireless Communications, said thank you for your consideration.

Cromwell said he appreciated the presentation they had received via email from Josh and looked forward to a more in depth analysis from staff.

Jennifer Christensen, Occupy Lawrence, said there has to be a better way. The core group of people cared about the freedom to peacefully assemble and maintain non-violent communication. She said she was raised to follow rules and to do what was right. She said her desire to do what is right trumped her need to follow rules. She said she had been assaulted and she wanted the city to find a place for Occupy Lawrence to gather 24/7, so they didn't have to spend time and energy on legal issues. She would like the city's stamp of approval and would like to be on the agenda next week.

Wade Briscoe said there was a sense of apathy among young people but this was a movement that was involving young people. To quell that would be against everything our leaders in public office should be for.

Jason Phoenix said it was a good time to bring forward a history of their activities. On Wednesday October 5 it began with a call for action. On October 8 there was a meeting where it was decided to hold an occupation. We continued to hold daily general assemblies. It was decided to occupy South Park for various reasons. On October 13 we rallied in South Park. On

October 14 we held another assembly and were granted a permit to stay in the park over night for one night. Our activities were peaceful. Our permit expired without any contact from the city. On October 18 we lit a small fire for warmth. On Wednesday we read an article that said we would be evicted and that the fire was not allowed. We met with the police chief and legal director and were notified of local ordinances. On October 20 we had an assembly. On Friday morning 15 law enforcement officials arrived and issued citations to the 8 individuals who did not leave. On Sunday morning and on Monday there were altercations that required law enforcement response. Last night at 4:00 a.m. officers issued an ultimatum to leave or face arrest. He said he requested extra time to answer questions from the Commission.

Dever said if we are going to have something to talk about next week, we need to understand the importance of sleeping in the park. Why was this any different than any other rules and why would it be okay to bend the rules here?

Phoenix said Occupy Wallstreet was reported to have happened on all of the continents. Over 900 occupy groups had sprung up over the world. What was unique about this protest was that what was being done was people were separating themselves from their ordinary lives, in part this shows resolve and commitment and in part it allows us to gather and govern ourselves and converse. We invite the public to dialogue with us. He said he was not tied to a specific place and would be open to other locations that were defensible and safe. Our tents are our picket signs.

Schumm said the commentary he received is that most of the people support what they are doing and they are spending energy to convince people that are already convinced. He asked if there are any private pieces of property they had looked at.

Phoenix said they were looking at that and would welcome suggestions.

Schumm said if we found a vacancy somewhere, could it be permitted?

McCullough said we could look at our Special Event Permit process. He said he was happy to work with that.

Phoenix said he would be happy to meet with McCullough. He said he would like to remind everyone that they did seek a permit for the park.

Cromwell said he appreciated the largely peaceful nature of the activity. We could not tolerate violation of the laws. Safety and hygiene were concerns. He strongly resented any suggestion that the city encouraged any assault. It was the city's intent to keep people safe. That was part of the reason for the park hours. The issue of camping in the park has taken away from the movement. That is all anyone was talking about. Some of the efforts should be focused on accomplishing the goals you were hoping for.

Phoenix said since reading the newspaper on Wednesday we have been put in a defensive position trying to figure out the law enforcement and public reaction to them. One of the difficulties of their occupation had been not how to communicate with the public but trying to figure out how to react to the city. We took down all of the resources we had put out. We had shared food, shelter and communication with everyone who came. Since then we have had to act in reaction to the city and that was not our intention. Our situation had been in flux. This situation of attrition makes things difficult. Through police actions we were receiving less diversity in participants, ending up with more angry young men. The public had been forced to believe that they were not safe and welcome in the group.

Cromwell said the easy way to accomplish his goals was to abide by the rules.

Jessica Baron said the purpose of occupying a specific space for 24 hours continuously was to have a base where people could come to talk anytime and implement solutions into the community. In South Park she had found a group of very caring and determined individuals. She believed she had done her part to work within the system to the extent possible. She believed they had been put into a position where they had to fend for themselves and they didn't have the protection of law enforcement. She understood that Mayor Cromwell had said that if they abided by the law they would have that protection. She said she felt like if someone came in and assaulted them they could not call law enforcement out of fear of being disbanded.

Mayor Cromwell said that was not true and they should call law enforcement and they would be served well.

A woman said she wanted to help the city. At first she thought they had messed up and they shouldn't be there. Then she realized they didn't have the skills to do what they needed to. It would be a waste of everyone's time if we went to war. She wanted to come on board with you and hoped you would come on board with us.

Matt Schwabauer said his comments were about funding for complete streets and for Eileen's position. He said polluters needed to pay for those, whoever consumed the most electricity or emitted the most carbon.

Michael Tanner said he wanted to talk about social injustices. He wanted to talk about ordinances that were in violation of the Constitution. They need to be amended. He said he would be down here more to learn about that process. He was not homeless, he worked hard. These homeless organizations don't do anything for him because he won't accept their help. A lot of homeless people were being written up for illegal camping. How can a homeless person pay fines? The Supreme Court had ruled that it was not illegal to camp. He said he would challenge the ordinance. The municipal court and the district court had engaged in unethical behavior. He said he came to this town to do battle with Molech. He was Israeli and it was his nature to preach against all evil. He spoke as an advocate of the homeless and street musicians, but to no avail. The judges in this town had dealt treacherously and his god would come and do battle with them. God doesn't like when people pick on poor people but it happened. He said the community could heal. What goes around comes around.

G. FUTURE AGENDA ITEMS:

David Corliss, City Manager, outlined potential future agenda items.

H. COMMISSION ITEMS:

None.

I. CALENDAR:

David Corliss, City Manager, reviewed calendar items.

J. CURRENT VACANCIES – BOARDS/COMMISSIONS:

Existing and upcoming vacancies on City of Lawrence Boards and Commissions were listed on the agenda.

Moved by Schumm, seconded by Dever, to adjourn at 9:10 p.m. Motion carried unanimously.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk