



City of Lawrence

CITY COMMISSION

MAYOR
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

• DAVID L. CORLISS
CITY MANAGER

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

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

March 6, 2012

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 Cromwell presiding and members Amyx, Carter, Dever and Schumm present.

A. RECOGNITION/PROCLAMATION/PRESENTATION

1. Proclaimed the week of March 6 – 13, 2012 as Cranberry Week and March 13, 2012 as Susan Stamberg Day.

B. CONSENT AGENDA

Vice Mayor Schumm requested that item 8b, Ordinance No. 8709 regarding synthetic turf, be pulled from the consent agenda for a separate vote, and item number 11, the Hot Rod Hullabaloo, be pulled from the consent agenda for separate discussion.

It was moved by Schumm, seconded by Amyx to approve the consent agenda as below with the exception of item numbers 8b and 11. Motion carried unanimously.

1. Approved City Commission meeting minutes from 02/14/12.
2. Receive minutes from various boards and commissions:
Traffic Safety Commission meeting of 02/06/12
Planning Commission meeting of 01/23-25/12
Community Development Advisory Committee meetings
of 01/12/12 and 02/09/12
Mental Health Board meeting of 01/31/12
3. Approved claims to 167 vendors in the amount of \$1,196,859.45.
4. Approved licenses as recommended by the City Clerk's Office:



Drinking establishment license to Holiday Inn Lawrence, 200 McDonald Drive.

5. Approved appointment of Sue Hack to the Mental Health Board for the 04/30/12 – 04/30/16 term.
6. Bid and purchase items:
 - a) Set bid date of March 27, 2012 for the pool painting project at the Lawrence Outdoor Aquatic Center.
 - b) Set bid date of April 3, 2012 for the Comprehensive Rehabilitation Projects at 120 Florida Street and 1100 Lawrence Avenue.
 - c) Set bid date of April 17, 2012 for Project No. PW1201, 6th Street, Monterey Way to Iowa Street (KLINK), mill, overlay, pavement marking and geometric improvements. Authorized City Manager to enter into an agreement with property owner at 601 Kasold Drive for pedestrian, utility and construction easements.
 - d) Awarded bid for a new air system (compressor and piping) for the Public Works Central Maintenance Garage to Cullum & Brown for \$34,790.
 - e) Approved three (3) year lease/purchase of a fairway mower for Eagle Bend Golf Course from John Deer Company for a total of \$35,902.44.
7. Adopted on first reading, the following ordinances:
 - a) Ordinance No. 8696, pertaining to domesticated Vietnamese Potbellied Pigs.
 - b) Ordinance No. 8713, prohibiting the possession of glass bottles and other glass containers in the downtown district from noon on Saturday, March 24 through 6:00 a.m. on Monday, March 26 and noon on Saturday, March 31 through 6:00 a.m. Tuesday, April 3, 2012.
8. Adopted on second and final reading, the following ordinances:
 - a) Ordinance No. 8693, pertaining to the use of Synthetic Turf as a landscaping material in the Land Development Code.
 - b) THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR A SEPARATE VOTE. Ordinance No. 8709, regulating the use of synthetic turf for all properties within the city, including requiring City Commission approval of synthetic turf installations.
 - c) Ordinance No. 8691, enacting scrap metal dealer registration requirements as mandated by the State of Kansas.

- d) Ordinance No. 8708, allowing the possession and consumption of alcohol on Vermont Street as part of the St. John Mexican Fiesta on June 22 – 23, 2012.
9. Approved a Temporary Use of Public Right-of-Way Permit for the KU Relays events downtown, April 18-19, 2012 and adopted on first reading, Ordinance No. 8694, authorizing the possession and consumption of alcoholic liquor on the 100 block of E 8th Street and the intersection of 8th Street and New Hampshire Street from 4:00 p.m. – 10:00 p.m. on 04/18/12, and on the 100 block of W 8th Street from 4:00 p.m. – 10:00 p.m. on 04/19/12.
10. Approved a temporary use of public right-of-way permit for the use of various city streets on June 29-July 1, 2012 for the Tour of Lawrence; approved allocation of \$10,000 of guest tax funds to the CVB in support of the Tour of Lawrence; and approved the donation of various city services in support of the Tour of Lawrence.
11. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Approved a Temporary Use of Public Right-of-Way Permit for the closure of Massachusetts Street from 11th Street to 13th Street from 7:00 a.m. – 6:00 p.m. on Saturday, August 11, 2012, for the Rev it Up Hot Rod Hullabaloo, as well as the use of parking along North Park Street and New Hampshire Street adjacent to South Park.
12. Approved recommendation regarding the opening of the Outdoor Aquatic Center, Saturday, May 26, 2012, and the closure of the facility to the public on Sunday, August 19, 2012 for full service operation; and approved August 20 – 31, 2012 to be open for adult lap swimming only from 10:00 a.m. – 1:00 p.m.
13. Received letter from the Lawrence-Douglas County Housing Authority and consented to the issuance of an RFQ to explore potential development opportunities.

Regarding item 8b, Ordinance No. 8709 regarding synthetic turf, Schumm said he was against the approval of this item.

Moved by Amyx, seconded by Carter, to adopt on first reading Ordinance No. 8709, regulating the use of synthetic turf for all properties within the city, including requiring City Commission approval of synthetic turf installations. Motion carried 4-1 with Schumm in the negative.

Regarding item number 11, the Hot Rod Hullabaloo event, Schumm said a year ago the applicant requested closure of the streets and it was a 3-2 vote. At that time, he had indicated a concern for traffic flow, but now wanted to say the event was run well. The applicant's event planners worked well with merchants. He was supportive of the event.

Amyx said he echoed Schumm's comments. He thanked the organizers for their efforts.

Moved by Schumm, seconded by Amyx to approve a Temporary Use of Public Right-of-Way Permit for the closure of Massachusetts Street from 11th Street to 13th Street from 7:00 a.m. – 6:00 p.m. on Saturday, August 11, 2012, for the Rev it Up Hot Rod Hullabaloo, as well as the use of parking along North Park Street and New Hampshire Street adjacent to South Park. Motion carried unanimously.

C. CITY MANAGER’S REPORT:

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

D. REGULAR AGENDA ITEMS:

1. **Conduct public hearing to consider the vacation of an alley located in the 700 Block between Kentucky and Vermont Streets for the Lawrence Public Library expansion.**

Charles Soules, Director of Public Works, presented the staff report.

Mayor Cromwell opened the public hearing.

No public comment was received.

Moved by Schumm, seconded by Amyx, to close the public hearing. Motion carried unanimously.

Moved by Amyx, seconded by Carter, to approve the Order of Vacation. Motion carried unanimously.

2. **Conduct public hearing to consider the vacation of the green space easement located in Foxfire Addition No. 4, Block 3, Lot 22 (commonly known as 1824 Castle Pine Court) as requested by property owner Ralph H. Park.**

Charles Soules, Director of Public Works, presented the staff report.

Mayor Cromwell opened the public hearing.

Moved by Schumm, seconded by Amyx, to close the public hearing. Motion carried unanimously.

Moved by Amyx, seconded by Carter, to approve the Order of Vacation. Motion carried unanimously.

3. **Consider recommendation from the Traffic Safety Commission to establish no parking along the south side of Seminole Drive between Kasold Drive and St. Andrews Drive, and consider adopting on first reading, Ordinance No. 8712, establishing no parking along the south side of Seminole Drive between Kasold Drive and St. Andrews Drive. (TSC Item 2, approved 6-1 on 02/06/12)**

David Woosley, Traffic Safety Engineer, presented the staff report.

Cromwell asked about the dissenting vote.

Woosley said that commissioner was always concerned with removing parking from residents.

Mayor Cromwell called for public comment.

Samani Love said when cars were parked on both sides it only left one lane of traffic. Sometimes you had to wait for others to pass. Visibility was also limited.

Schumm said he lived near that location. He asked for staff to display the topographical map. He said he presumed they were entering at the east and exiting at the west. All you had to do was remove the two cars and the obstruction would be alleviated. It's really not necessary to take out as much parking. It seemed like they could accomplish what they wanted just by removing the two cars on the lower left corner. He said it wasn't a cut through street and he hadn't seen much traffic at that location.

Cromwell said the emergency access is not through Seminole. He asked if that was discussed at TSC.

Woosley said it wasn't discussed, but they could come from both directions.

Cromwell asked if there were any issues getting emergency vehicles to that location.

Woosley said no. Only one vehicle might be able to get through at a time.

Cromwell said it wasn't a big issue at the Traffic Safety Commission meeting.

Woosley said no, only the parking was discussed. There wasn't discussion of narrowing it down to just a few spaces adjacent to the driveway.

Carter said the one negative vote wasn't about safety.

Woosley said no.

Amyx said the emergency vehicles could come in either entrance.

Woosley said most entrances came in on the east side. The van comes in the east and exits at the west drive. They could turn east or west.

Amyx said there were no accidents at that location the past three years.

Woosley said correct.

Cromwell said it didn't seem like a large issue for safety, particularly because the street was so short. He said maintaining a shorter section of no parking might accomplish those needs and be a good way to go.

Schumm asked if we would have to send the issue back to TSC.

Woosley said no.

Sandy Nelson, Drury Place, said when fire rescue comes they pull up in front of the portico. It is hard for them to come out of the south side. The people parking are not people living in the area, but people that are working in the area and blamed it on expensive parking on campus. She had driven the area and found that there was ample parking on campus.

Schumm said what if you removed parking along the island of grass. He thought that would solve it.

Amyx said let's remove it along the first piece of green space.

Cromwell said we didn't hear that there were issues with fire safety access. He said it seemed reasonable to only remove a portion.

Corliss said staff would take measurements and come back with another ordinance for first reading.

Moved by Schumm, seconded by Carter, to direct staff to draft an ordinance establishing no parking along a portion of the south side of Seminole Drive between Kasold Drive and St. Andrews Drive to be considered at a future date. Motion carried unanimously.

4. **Receive staff report regarding the request from Lawrence Community Shelter for additional funding to assist in the operation of the Lawrence Community Shelter.**

David Corliss, City Manager, introduced the item.

Cromwell said asked Corliss to explain the fund balance in the Special Alcohol Fund.

Corliss said approximately \$650,000 was budgeted for 2012 as far as revenue and expenditures were about \$600,000. He said \$280,000 of those expenditures was for School Resource Officers and the remainder was contractual services for agencies and entities that work on alcohol drug abuse prevention and counseling.

He said as there was a 10% State tax on alcohol drinks consumed in drinking establishments, of that 10% State sales tax, the City received 70% of that revenue, of that 70% the City was statutorily required to divide that amount into 3 different funds, the general fund, special recreational fund, and the special alcohol fund. He said Lawrence Community Shelter received special alcohol funds which was a viable use of those funds.

Cromwell said with any kind of fund like that you are going to see increases in that fund as payments came in and he wasn't sure what a healthy fund balance should be.

Corliss said we wouldn't have a problem with cash management but his concern was continuing to reduce the balance.

Loring Henderson thanked the commission for considering their request. Operational needs were increasing while at the same time they had been conducting a capital campaign. He shared statistics showing the increased demands on the shelter. The need for services for families was increasing and was a problem seen at other shelters in the region and around the country. All of this need was increasing the staffing costs for the shelter. He said supplies and groceries costs had nearly doubled. He said the shelter was working hard to fundraise and recently hired a person to help with that venture. LCS had put on events, appeal letters, government support from various sources, and worked with religious organizations. Recently, they met with a group of churches that had committed to a dollar number and a relationship

never seen before. LCS also went to individuals regarding the capital campaign, but they were tired and had worked hard. They had gone to businesses and organizations for financial and material support. He said there was high number of homeless people even during the warm winter and were faced with an ongoing problem. He said LCS was dealing with these problems, but there were consequences.

John Tacha said he wanted to talk about an aspect of the request that they haven't mentioned yet. The multi-year process to find a new site had drained their financial reserves. For example they spent money on legal fees, architectural fees, and other things for various sites that didn't work out. They had those same expenses at the final site. They had \$150,000-\$170,000 in such costs. The people who had given for the capital campaign had given them pledges that would take a year or two to complete.

Joe Baker thanked the commission for allowing them to come forward and plead for help. During the last 18 months he had served as treasurer for the shelter board. He was impressed with the tremendous number of volunteers who helped the shelter complete its mission. They had massaged their budget on a revenue and expenditure basis. He was not sure how the shelter had survived this long. The board had spent a lot to purchase, renovate and occupy the new building. Looking at the 2012 budget and projected income, we would have a \$98,000 shortfall by year end. April would be a real budgetary crunch. 34% of the shelter's current income came from private donations, 33% from government, 11% from events, 6% from the Good Dog Biscuit Program, 10% from foundations, and 6% from rent in a portion of the new building to a company called Plastikon for storage. He said the LCS was present to ask for funding to buy time in solving their problems. He would like a long term commitment but anything the city could do would help.

Mayor Cromwell called for public comment.

Stephanie Sons said she lived and volunteered at the shelter. She experienced firsthand the number of people who signed up each night and were turned away. For a lot of homeless in

Lawrence, the shelter was the last stop before sleeping on the streets. If it wasn't for the shelter, she said she wouldn't be here today. It is more than a shelter for many. For her it was home.

Roger Morningstar said he was also a member of the board. You had seen the numbers. In his short time on the board he thought Loring and the board had done a tremendous job getting their arms around the homeless issue. This bandaid would help us cycle through the programs to get people back on their feet. With the new facility there would be more opportunity to get people back in society in a useful way.

Amyx asked about the ESG allocation from the state and if it came in later in the year and if we knew the amount.

Corliss said we didn't know for sure but he thought it would.

Henderson said he expected it to come in any day, at \$36,000.

Schumm said he had been involved in the shelter somewhat and when he was campaigning said he would help them. He really believed it was crunch time now. They had worked hard to raise money for the new facility. They are so close to that becoming reality. To have them go away with a deficit of \$100,000 would cause a lot of consternation. It will be good for the community to get this done. It is ready to happen and just needs a little nudge to get over the top and make it there. He supported the request and hoped the commission would.

Cromwell said it was very difficult to receive funding requests out of season. We had been pinching our pennies and there were lots of organizations striving for funding and success. The shelter was one of the most important ones out there. We had an opportunity with the new shelter to be really successful with focusing on the transitional skills and programs. Looking at the request before us and looking at the financials, there is a considerable weakness in the budget that has been alluded to. It had been extremely dependent on one donor that had helped out to the tune of \$100,000/yr. The weakness is the amount the average Lawrencian has given. They hadn't had the same opportunity to give to the operational expenses. A request to the people would result in them stepping forward and giving. They would probably need help from

the city. He would propose some way to have an operation to request money from the community and the city doubles those funds up to a certain amount. That could possibly result in ongoing funding. He would not support making a commitment for ongoing year after year expenditures. Those needed to be considered and weighed against all of the requests that the city received. He worried that the city drops \$100,000 and solves a crisis now but we are stuck where we were before. If the community participates in some kind of challenge it could be more sustainable.

Carter said he thought that could be a great thing and help the shelter. Right now we are looking at prioritizing social service funding based on outcomes. We had asked the shelter to move. He knew how tough that had been. The excitement was there about the potential changes. Now the shelter was a just a roof over people's heads and they can't do all the programs they will at the new site. Once the LCS was there, that will take care of a lot of the funding problems. He thought Lawrence would step up once they move and we see more successes coming out of the shelter. He thought a sustainable program once they were up and running was possible. He had been impressed with the commitment and involvement of the board at the shelter. Having Joe at the shelter put them in good hands. He was for using the fund balance for this request at this time.

Amyx said he appreciated everyone's comments. He always had concerns with mid-year funding requests. He understood that there were shortfalls at times. He said going back to 2005-2006, he had been involved with funding and budgeting. We had seen increases and we had been able to help maximize dollars. From 2009 we had increased a lot. He stood behind the increases we had to provide the necessary help, but one thing that was important to him was that we may have spent \$400,000 but our support for job creation was also important. We had spent on economic development marketing, the bioscience incubator. He said we can drain the fund balances down, but is this the time? He thought probably not.

Dever said that summarizes some of his feelings. We had done a good job making due with the money we had. The commission has been frugal and had treated the taxpayers' money carefully. Part of the reason he would support the request from the shelter came from watching the process over the past years during the search for a new site and the economic turndown. He applauded the people involved in the relocation of the shelter. It was important to see us not leave this issue during a transition time. The future holds good things for the shelter. He was not necessarily in favor of a long term commitment, but maybe a challenge grant like the Mayor suggested. There comes a time where things balance out and we find a sustainable balance. This was a transitional funding. He said he supported this issue and it was important to help push this to the goal line and put us in a position to help these members of our community.

Cromwell said we need to make sure we give enough. He was incredibly concerned with the unsustainability of the funding. The new building wouldn't be successful if sustainability wasn't reached. He echoed the sentiment that budgets reflect priorities. The support for operation of the shelter likely hadn't been requested like it was for the capital campaign. He said it was an extreme risk and he didn't like the approach that people were off the hook after giving for the capital campaign. The emphasis needs to be getting more resources from the community.

Schumm said he liked the idea of the challenge grant and he hoped we could use it in the coming years. At this time it was a crisis mode. There had also been a turnover in the board that would carry them through in their efforts once they get past this crisis situation. He said he felt like the crisis needs to come to an end and get them into the facility. He didn't like mid-year requests, but it was a crisis and something that would benefit the community.

Cromwell asked if the fundraising for ongoing operations, could they help ease his mind regarding that.

Tacha said three years ago they had a surplus which they had spent on the process of finding a new spot. Before that the fundraising was there. He also could not believe that people wouldn't give more, especially with the challenge grant idea.

Baker said they had a person and a committee working on the fundraising. It was a crisis situation now. Challenge grants in the future were possible but we just didn't have time for it now.

Cromwell said he appreciated the reassurance. We have an April problem right now. In the last couple years, people had been informed and excited about what was going on at the shelter. He thought we didn't have the time today to make it a challenge grant but he wanted to present it that way and hope the community followed suit this year and ongoing.

Moved by Schumm, seconded by Carter, to authorize \$100,000 for the shelter drawn from the alcohol fund balance. Motion carried 4-1 with Amyx in the negative.

Tacha thanked the commission for their support.

5. **Consider motion to recess into executive session for approximately 45 minutes for the purpose of discussing possible property acquisition and consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep possible terms and conditions of property acquisition and discussions with attorneys for the City confidential at this time.**

Moved by Schumm, seconded by Amyx, to recess into executive session at 7:51 p.m. for approximately 45 minutes for the purpose of discussing possible property acquisition and consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep possible terms and conditions of property acquisition and discussions with attorneys for the City confidential at this time. Motion carried unanimously.

Cromwell, Schumm and Carter returned to regular session at 8:35 p.m.

It was **moved by Schumm, seconded by Carter**, to extend the executive session for an additional 15 minutes. Motion carried 3-0.

The full City Commission returned to regular session at 9:00 p.m.

Mayor Cromwell said the City Commission had received information on a possible property acquisition.

Moved by Schumm, seconded by Dever, to direct staff to prepare a public statement.

Motion carried unanimously.

E. PUBLIC COMMENT:

None.

F. FUTURE AGENDA ITEMS:

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

G. COMMISSION ITEMS:

None.

H. CALENDAR:

David Corliss, City Manager, reviewed calendar items.

I. 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 Amyx, to adjourn at 9:02 p.m. Motion carried unanimously.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk