



City of Lawrence

DAVID L. CORLISS
CITY MANAGER

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

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

CITY COMMISSION

MAYOR
MICHAEL DEVER

COMMISSIONERS
MIKE AMYX
JEREMY FARMER
DR. TERRY RIORDAN
ROBERT J. SCHUMM

December 10, 2013

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 Dever presiding and members Amyx, Farmer, Riordan and Schumm present.

A. RECOGNITION/PROCLAMATION/PRESENTATION: None

B. CONSENT AGENDA

It was moved by Schumm, seconded by Amyx to approve the consent agenda as below, minus consent agenda item number 7 regarding lighting plans for exterior lighting at Rock Chalk Park and the City Recreation Center. Motion carried unanimously.

1. Approved claims to 179 vendors in the amount of \$1,797,379.42 and the 2013 longevity payments in the amount of \$420,507.85
2. Approved the Drinking Establishment Licenses for Buffalo wild Wings No. 64, 1012 Massachusetts; Montana Mike's, 1015 Iowa; The Bottleneck, 737 New Hampshire; Chili's Grill & Bar, 2319 Iowa; It's Brothers Bar & Grill, 1105 Massachusetts; Replay Lounge, 947 Massachusetts; Astro's, 610 Kasold Ste: C-107; and, the Sidewalk Dining & Hospitality Licenses for 715, 715 Massachusetts; 8th Street Taproom, 801 New Hampshire; Aimee's Café & Coffeehouse, 1025 Massachusetts; Aladdin Café, 1021 Massachusetts; Buffalo Wild Wings No. 64, 1012 Massachusetts; Chipotle Mexican Grill, 911 Massachusetts; Dillons No. 98, 1740 Massachusetts, Einstein Bros Bagels No. 1290, 1026 Massachusetts; Frank's North Star Tavern, 508 Locust; Fuzzy's Taco Shop, 1115 Massachusetts; Henry's on Henry Street, 11 East 8th; Ingredient, 947 Massachusetts; Intorno, 801 Massachusetts; Jackpot Bar, 943 Massachusetts; Jefferson's, 743 Massachusetts; Mexquisito, 712 Massachusetts; Minsky's Pizza, 934 Massachusetts; Noodles & Company, 8 West 8th; Pachamamas, 800 New Hampshire; Papa Keno's, 1035 Massachusetts; Sandbar, 17 East 8th; Signs of Life, 722 Massachusetts; The Bourgeois Pig, 6 East 9th; The Burger Stand, 803 Massachusetts; The Mad Greek, 907 Massachusetts; Wa Restaurant, 740 Massachusetts; Z's Divine Espresso, 10 East 9th; Genovese, 941 Massachusetts; La Parilla, 724 Massachusetts; Zen Zero, 811 Massachusetts.
3. Approved appointments as recommended by the Mayor.

Bicycle Advisory Committee:

Appoint Officer Daniel Ashley (764.2250) to a term that expires 12/31/16.



Contractor Licensing Board:

Reappoint Verlon Myers (843.7535) to an additional term that would expire 12/31/17.

Douglas County Senior Service:

Reappoint Judy Wright (842.8028) and Phil Godwin (843.9504) to positions that expire 12/31/16.

Lawrence Alliance:

Appoint Cody Phillip Marshal (623-533-9284) to a position that would expire 11/30/14. Reappoint Laura Canelos (843.3220), Baha Safadi, Cynthia Colbert (832.3206), Elise Higgins (785.813.1423), and Connie Hsu (864.3617) to positions that expire 11/30/15.

Parks & Recreation Advisory Committee:

Appoint Sue Hack to a term that expires 12/31/15.

4. Bid and purchase items:
 - a) Awarded Bid #B1365 for gym equipment (48 bleachers and 40 benches for the recreation center at Rock Chalk Park) to the low bidder, Heartland Seating, Inc., for \$45,225.
 - b) Approved the use of Mize Houser to conduct the 2013 annual financial audit, as well as up to four additional years, for a total of \$43,100 for the 2013 audit.
 - c) Awarded the 2014 Coordinated Printing bid to Printing Solutions, in an amount not to exceed \$35,000.
 - d) Authorized the City Manager to execute the Professional Services Agreement with Belinda Sturm for technical and professional services with respect to water and wastewater treatment processes for a total amount of \$39,000.
 - e) Authorized the City Manager to Execute an Engineering Services Agreement in the amount of \$243,478 with Black & Veatch for engineering and pipe assessment services related to Project UT1316 Concrete Watermain Assessment and authorized the execution of a purchase agreement with Hanson Pressure Pipe in the amount of \$59,430.00 for the purchase and installation of 4 tapping saddle access points and one drain point on the concrete water transmission mains.
5. Adopted on second and final reading, the following ordinances:
 - a) Ordinance No. 8944, to rezone (Z-13-00401) approximately 1.95 acres from IG (General Industrial) District to CS (Strip Commercial) District, located at 1360, 1380, 1400, and 1410 N. 3rd St. (PC Item 1; approved 9-0 on 11/18/13)
 - b) Ordinance No. 8945, to annex (A-13-00291) approximately 10.684 acres, located at 1338 E 1600 Road. (PC Item 2A; approved 8-0-1 on 11/18/13)
 - c) Ordinance No. 8946, to rezone (Z-13-00291) approximately 10.684 acres from County A (Agricultural) District to RM15 (Multi-Dwelling Residential) District, located at 1338 E 1600 Road. (PC Item 2B; approved 8-0-1 on 11/18/13)
 - d) Ordinance No. 8947, establishing No Parking 7am–6pm Monday–Friday along the south side of Overland Drive from Champion Lane and provide sufficient

sight distance where appropriate, east 1,225 feet (TSC item #3; approved 8-0 on 11/4/13).

6. Adopted Resolution No. 7051, declaring the boundaries of the City of Lawrence, Douglas County, Kansas.
7. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR A SEPARATE VOTE. Approved lighting plans for exterior lighting at Rock Chalk Park and the City Recreation Center as required by a condition of approval with Special Use Permit, SUP-12-00225.
8. Authorized the City Commission to execute the agreement with Airport Development Group for engineering services for airport improvements in an amount of \$39,500.
9. Authorized the Mayor to sign the necessary Kansas Department of Transportation forms committing the City of Lawrence's match for two Transportation Enhancement projects- the Breezedale Monuments Restoration and the Haskell Rail Trail project.
10. Authorized the Mayor to sign mortgage release for Shirley Robb, 830 E 13th Street.

Consent agenda Item 7 was pulled from the consent agenda for discussion regarding the approval of lighting plans for exterior lighting at Rock Chalk Park and the City Recreation Center as required by a condition of approval with Special Use Permit, SUP-12-00225.

Scott McCullough, Planning and Development Services Department, said this item relates to the lighting plan for the Rock Chalk Park project. He said he would briefly review the memorandum prepared for the City Commission. He said this plan was an outcome of a condition of the special use permit process wherein the Commission agreed that lighting would be available for all the fields, the parking lots and tennis courts, but that a lighting plan would be approved by the City Commission prior to building permits being issued. Admittedly staff had issued permits for the entire project and we didn't have the information available when the permit was ready to go and they were looking to get underway so recognizing that, staff had worked to get this information and work with the architects to make certain revisions to make sure it complied with the code as staff had seen it. Staff had broken down the memo into three areas for City Commission review. One area was the tennis court lights as one category of lighting. Another is a category related to the parking lots and the final area was related to three different field areas for the KU facility. The memo noted that the parking lot lighting complied

with the requirements for such in terms of the light levels at property lines and cut-off fixtures. Staff had noted that the tennis court light would be a Pro Series Qualite Lighting fixture and staff provide some detailed specs for City Commission consideration that would be mounted on 40 foot tall poles. In the process of the original special use permit consideration, staff took a hard look at Mr. Grahams property to the east to try to understand what the height would do with the wooded area in that distance and the direct light glare exposure to Mr. Graham and staff was holding true to the 40 foot tall poles for the tennis court light. In addition the special use permit condition mitigated the impact of tennis court lighting by having tennis court lights shut off at 10:30 pm, Sunday through Thursday and 11:00 pm on Friday and Saturday nights which was negotiated during the special use permit time. Staff believed the tennis court lights were compliant with the code. The athletic fields which were interior to the property again would employ the Pro Series Qualite Lighting fixture and staff had provided a table which demonstrated that the pole height of those light fixtures ranged from 80 to 100 feet. There was a code requirement that limited pole heights for outdoor rec lights to 60 feet tall. Essentially, the code also provided some authority to the Planning Director to look at the "for just cause" to do an administrative waiver to that issue. Staff's experience, in taking all things considered, staff believed that the taller lights actually helped mitigate the light glare to a greater level. He said be mindful that this was 100's of feet away from both property lines and adjacent neighbors and they really could have multiple neighbors that could be impacted both east and west of the subject property with varying degrees of topography and it was very difficult to meet all the site requirements needed for a facility such as this when looking at possible TV venues, lighting levels needed for certain levels of sporting events and sports at that NCAA level and to mitigate reasonably for neighbors. Staff believed it was appropriate to allow the pole heights as proposed up to 100 feet tall and asked that the City Commission confirm his recommendation and waiver authority to do such.

Rick Hird, Attorney representing Jack Graham, said this was an example of a developer who had done what he wanted and then asked the City Commission for their forgiveness and it was not the first time for this developer. To go back a little bit, Mr. Graham objected to the SUP for Rock Chalk Park due to noise, light and other intrusions created by what was then characterized as a sports park. The project quickly changed from simply a sports park to an entertainment venue, complete with tractor pulls and concerts. Mr. Graham reluctantly agreed not to pursue his options to object to this project on the basis of the plans that were submitted, including the requirement that a photometric plan be submitted for approval prior to building permits being issued. The only concession of the developer agreed to at that time was to install a fence between Mr. Graham's property and Rock Chalk Park. That not only had not been done, but Mr. Graham had been informed that that would be the last thing that was done on this project. As you know the code limited the lights and light poles for recreational facilities to 60 feet in height. The poles were installed at 80 to 100 feet in violation of the code. Those poles were also being used and the lights were being used for construction activities to light the site for construction. He said he didn't know of any provision in the code that allowed that to happen, but it was on-going presently. The light from the 100 foot poles, being illegally used lights up Mr. Graham's living room. He showed a photograph taken on December 4th and those were construction lights and weren't even 100 foot poles. As you could see the allegation that the woods somehow block the lighting from his home was simply incorrect. The SUP clearly stated that a photometric plan for all exterior lighting shall be provided for review and approval by the City Commission, prior to the release of the SUP plans for building permit. That was not done in this case. The developer hadn't complied with that provision of the SUP or the code, the building permits were issued without approval of a photometric plan, plain and simple. The lights not only interfere with Mr. Graham's property but they also interfere with properties clear across K-10 and the other residential developments in the area. Given this situation, he hoped the City Commission could understand why there was absolutely mistrust of the developer and

for that matter the City's dedication to doing this project right. It made perfect sense in this case. He said Mr. Graham had a request for the City Commission, that than to rubber stamp the proposal by the City on this issue, to please consider hiring an independent engineer to evaluate the photometric plan. This had been clearly botched and it needed to be reviewed by someone independent, not the developer's engineer, but some that could take a fresh look at this, someone that knew the state-of-the-art existing technology, to make sure that the neighbors were suffering the least amount of intrusion possible from this project. He said that seemed to be a very reasonable half-way request in this matter rather than taking down the poles. He said let's make sure they had the best possible solution here. He said they were asking the City Commission consider requiring an independent engineer that was a photometric engineer to provide an independent analysis and recommendations on the fixtures, the alignment of those fixtures and hopefully minimizing the intrusion to the neighbors.

Schumm asked to see the photo and asked if the picture was taken from inside Mr. Graham's house.

Hird said that photo was from the inside of Mr. Graham's house, taken on December 4th.

David Corliss, City Manager, said those were not lights subject to any of the things that the City Commission was approving this evening.

Dever said those were construction lights.

Riordan asked if staff had any idea how they compared with the lights at that location.

Schumm said those were not the lights.

Corliss said those lights were construction lights.

Schumm said it sounded like they were using lights on the stadium for construction.

Corliss said those were not the stadium lights.

Hird said it was his understanding that they were using the lights from the stadium as construction lights to light up the facility so they could work at night.

Corliss said those were not the stadium lights.

Hird said he would agree with Corliss, but the point was that they were using the stadium lights.

Schumm said he was trying to sort it all out.

Hird said that illustrated the view, okay.

Farmer asked if the photo was taken from Mr. Graham's living room or outside his front door.

Hird said it was from the living room, yes.

Farmer asked if this had changed since, obviously there were no leaves on the tree and asked if it would be any different in a different time of the year.

<Response couldn't be heard>

Dever said he was going to preface a few things before he asked questions. He said his understanding of lighting, was that they had run into this issue before lighting tennis courts in this community and he met with designers, engineers and producers of the lighting standards and the light fixtures themselves. They indicated to him that those types of fixtures were designed to maximize the downward projection of light and the diminishing of light pollution based on engineering guidelines. He said it was his understanding was that they were proposing that the City pay a third party engineer to evaluate the findings of both the design contractor that had been charged with engineering and designing this project as well as the lighting companies that had been hired and paid to do the same. He said it was his understanding was that they didn't feel like the company that builds, produced, and designed those all across the country and the world was good enough and they didn't think the company that did those same projects other places in the country were adequate for the city's purpose of determining if this was adequate lighting scheme. He asked Hird to make sure he understood this.

Hird said the parties that the Mayor just listed had a vested interest in this project. If they're selling fixtures, they had a vested interest in the project.

Dever said he was going to interject that he had that argument with the same lighting contractors, and they're in the business of selling products that work and cause the least amount of disruption so they could sell more fixtures. So if they install fixtures and designed project that were faulty or cause light pollution, or nuisance from the neighbors, chances were the next time the City or that entity wanted to install lighting, they're probably not going to choose that person and they had a lot to lose by doing this poorly. He said he would disagree that their sole purpose was to sell light fixtures. He said he would say that their purpose was to provide the best possible quality so that they get hired again in the future and for any company it would be a short sided venture to improperly design, layout, engineer, and build light fixtures that was going to cause problems or nuisances, beyond what their engineering controls were. He said he read the photometric diagrams and understood that those lights were a problem and that's a discussion they could have separately. He said his question to Hird and Graham was how could they measure the impact of the light fixtures and how could they question the photometric designs when they hadn't been turned on, installed, and properly calibrated in the light.

Hird said it was his understanding that the contractor that was selected to provide the light fixtures and equipment was done so on a bid basis and somewhere, someone in this project, whether it was developer, I assumed it was the developer, selected the least cost that would comply with the code or that they thought would comply with the code. That didn't mean it was the state-of-the-art and it didn't mean it was the best available alternative. All they were asking for was that someone independent of this process made a determination and recommendation as to whether those were state-of-the-art and if they were, maybe there was nothing better to do, but he hoped they could appreciate the mistrust that had been generated by the process employed here. It seemed reasonable, simply to have a 3rd party that didn't have a vested interest and was qualified to say what they had was the best possible solution, or no, I'm sorry you had forgotten about other equipment and fixtures that were available in the

market place that would do a better job of lighting the field and saving the neighbors from the light pollution.

Dever said okay. He said their premise was that the low bid quality nature and historical failures of the process lead Hird to question whether or not the contractor and builder were providing the best possible solution for the best possible price. He said Hird was proposing that the City spend more dollars to evaluate whether or not those professionals were doing their job.

Hird said he wasn't sure the City should foot the bill for that, but yes he thought it was reasonable to have someone evaluate the project to make sure that they were getting the best possible solution. He said they were going to live with this a long time.

Dever said he agreed, but was trying to figure out how this all relates and it seemed like they were jumping the gun in showing pictures of light fixtures. He said he believed it was a little bit sensational to present to him photographs of lights that really had no impact on the final long-term solution and the final long-term installation of those fixtures and felt it was a little bit disingenuous to present those photos to the City Commission in light of the fact that they weren't done yet.

Hird asked if he could respond.

Dever said sure.

Hird said being accused of being disingenuous he had to respond and certainly did not mean to be, but if hearing McCullough referred to the woods that were between Grahams residence and the sports park, the inference was that this couldn't possibly be a problem for Graham.

Dever asked where those lights were located and were they in the area where they were building the rec center now.

Hird said yes.

Dever said first of all the only lighting that was going to be present at the rec center would be parking lot lights and some other ancillary fixtures associated with the rec center. The

nearest proximity to Graham's living room window, those light fixtures were going to be typical parking lot light and perhaps tennis light which of course would be designed and built to City standards, but he was trying to figure out if we're jumping the gun and questioning the quality and integrity of the product based on work lights. He said whether they were right or not, he wasn't going to argue that because that was definitely a nuisance, but his question was if they were arriving at a conclusion based on a compilation of facts that were not related, such as the fact those were construction lights and yes, those construction lights were near Graham's home now, but would not long-term be there.

Hird said he would need to confirm with Graham, but he believed those were the lights on the equipment used for pumping concrete and he wasn't sure it was the rec center or the stadium area where those were located.

Dever said he thought it was the rec center based on his reckoning of where he lived, the woods and how close those trees were.

Hird said he did not know that, but the point of that was, the inference of this couldn't be possibly be a problem because there were woods in between his house and the rec center which was what they were trying to address.

Dever said he understood.

Hird said if Mayor Dever thought he was trying to be disingenuous, he apologized.

Dever said he wasn't clear when he first asked until Schumm summarized that those were not the lights that were on the stadium because Hird mentioned that they were using the lights that were permanent to help with construction and then Hird presented that photograph and it was determined it was short term or construction related lighting. He said maybe he inferred the wrong thing and apologized if he did, but Hird led him there and thought that photograph represented the light fixtures that were there right now.

Hird said he certainly wanted to be straight and truthful with the Commission and certainly would not want to ever be disingenuous with the Commission. The statement that he

had made that they were using the permanent fixtures to light the construction area, as far as he knew, was true and he didn't know of any code provision that allowed that and didn't believe that was part of any description in the SUP.

Dever said okay and thanked Hird.

Riordan asked when McCullough did the administrative waiver he asked if that was before or after the lights on the poles were up.

McCullough said that was after the poles had been installed. Staff had been getting information on the lighting fixtures in different degrees for a few weeks and staff had always expected that they would be taller poles than 60 feet. He said based on staff's experience with high school lights which also received variances for lighting, pole heights for example, the code itself in this particular instance set a very low threshold for outdoor recreation lights on this magnitude. One of the issues that was a challenge was that the standard seemed to have been created when the city was doing some lighting of tennis courts and some small softball fields, not major collegiate level stadiums and thought that had been a challenge with the city's code standard and why staff felt it was justified to employ that waiver.

Riordan asked if the poles were higher than the angle of dispersion would be less and had less light going to the outside.

McCullough said correct, that was their basic operating premise they used with the high school as well.

Schumm asked on the background for the SUP and Institutional Development Plan, Rock Chalk Park sports recreation facility and the City recreation center was approved by the city Commission on January 15, 2013 subject to conditions of approval, one condition required that a photometric plan for all exterior lighting be provided for review and approval of the City Commission prior to the release of the SUP for building permits. Obviously, that didn't happen, but asked if there was a photometric plan in place.

McCullough said yes. What staff was presenting to the City Commission satisfied that condition.

Schumm asked who developed that photometric plan.

McCullough said that was developed by the architects for the project.

Schumm said not the lighting contractor.

McCullough said it was a combination and was a coordinated effort where they used their specs and was highly coordinated with their lighting engineers or determining the placement, location, pole height and wattage, all of those issues were taken into consideration.

Schumm asked if the City Commission was being asked to approve it after the fact.

McCullough said the City Commission was being asked to approve it after the installation of the parking lot and the KU field lights. Tennis court lights were not installed at this time and wasn't sure if some of the parking lot lights were.

Schumm said he had been at that location and knew the poles were up and there were lights on top and could see those lights from K-10 when he drove by every once in a while. He asked if those lights had been focus, refined, or calibrated to their final degree.

McCullough said he did not know the answer, but knew there was a burn in period typically with those types of lights and calibration was required and certain slight adjustment to get the light levels on the field appropriate.

Amyx asked based on the architects and engineers that worked on the City's behalf on this particular site, is it their recommendation that those lights were appropriately sized and all the other lights were appropriate to handle the coverage of this lot and that spillage was not going to be a problem.

McCullough said staff was using the information provided to staff from the lighting industry. The vendor provided staff with all that information which was data driven and scientifically based in terms of where the light was. The real issue was the glare, seeing the

fixture and what impact that had. All of the lighting levels, including the KU field lights, met the requirement for the amount of light at the property line and that was measured as you take a light meter at your waist and see how much light was there. The nuisance factor typically experience by staff that you see the bulb itself and people from all around see it and that was why the City Code treated outdoor recreation lights a little differently and exempted it from all of the City's standards for light levels because there was no way to hide recreation lights, even with trees. He said he apologized if he implied that they had woods that would block all lighting. Staff felt fairly confident that with leaves on the trees the tennis court lights would have reduced impact because that was the closest set of lights to Mr. Graham. He said staff always understood that the KU facility fields would have impact all around, 360 degrees to this facility. He said they would be able to see this lit up for a good distance. In that situation staff did try to employ theories of light levels, exposure, and glare tactics where they tried to get the bulbs up and pointing down to the best way they can. He said he supposed that could be argued depending on a person's exact relationship to that bulb and people around that site were going to have different topographic elevations and there was going to be varying degrees of impact and the code sought to mitigate that through how long lights were kept on which they did over mitigation where the code had for tennis court lights, staff agreed to do earlier cut-off's than what even the code even required and they maintained the code established lighting level at 11:00 or 11:30 for the KU facilities. He said that was due in part to the distance, 100's of feet away that this was. There was no doubt that this would have an impact for a distance all of those types of community facilities did and would.

Dever said just go out to Y.S.I., during the summertime.

Amyx asked what happen to put the Commission in the position of giving approval tonight versus before everything was put up.

McCullough said he wished he had a better answer than staff had been working with them and the contractors in the field kept moving on the project and had installed the lights. As

soon as they understood that those lights were up, they had hastened their request to get the information and get the information to the City Commission and that was why the City Commission was seeing it now. It was that trigger of seeing the poles installed and vertical. He said staff understood that they were at the site for a little while and they had been working to get the information. It was coordination on a very large complex project that staff eventually worked to coordinate the lighting plan and they were waiting on some of the technical data to submit to staff and staff worked to try to get it to the City Commission as soon as staff could.

Dever called for additional public comment.

After receiving no public comment, Dever said the request was to table this project and hire a third party to analyze the photometric plan, a third party with no investment or association with the existing project.

Schumm asked if that was the decision of the Commission, who would pay for that study.

Corliss said he didn't know and that was a good question. He said he had staff that looked at photometric plans on a weekly and monthly basis throughout the entire community and thought staff was qualified to look at it. There were probably other experts that were out there. He said if the City Commission told him to do something, he would find the money for it, but he looked at it as a third party and that was the City's regulatory responsibility was.

Schumm said they had a challenge to their resident professionals. He said if they felt that it wasn't done right and they might not have, but he didn't know. He asked why wouldn't they hire an expert and check the City's figures to see if it was right. If they could prove that those figures were terribly wrong, then they had a good case. He said that would be his solution to this.

Farmer said in reading through this and he appreciated the message that John Wilkins sent saying that the Tulane football stadium they were working on the neighbors originally wanted 60 foot poles, however through light modeling and the use of some outside experts they

were able to demonstrate and reach consensus with the neighbors at a 100 foot and in some cases a couple of 120 foot poles were actually far more desirable for the neighbors. Given the distance the stadiums were from the surrounding property lines, the heights that were designed for Rock Chalk Park were the appropriate height to balance the design for criteria for the fields and avoid the glare to their surrounding neighbors. But where he was at with this, the City didn't do what they said they were going to do and where he had a fundamental difference of opinion than Schumm in that they said they were going to do one thing and they didn't do it and regardless of who was at fault for that, they should make it right. He said he didn't have enough time to think about it and there was one option for what they were suggesting, but he didn't know what the right option was to make it right, but they goofed up here in saying that this was what was going to happen, but it didn't happen. The previous Commission approved this SUP with those conditions on it as a condition of approval. He said he felt they owed it to the neighbors and the process that so many people had weighted in and said it wasn't right, but they could make it right by doing something to ensure those concerns were mitigated. He certainly didn't want to pay for a 3rd party person and trusted City staff completely, but if that was the request of what it would take for them not doing what they should have done then that was a reasonable request and they should honestly consider it.

Dever said Farmer was reporting that they didn't do something that they were supposed to do. He asked McCullough to enlighten him as to exactly what that was so they could make that right.

McCullough said from the technical read of the condition, the lights should not have been installed, gone vertical before the Commission had seen the photometric plan and that was a protection put in place in the SUP at the time of approval because it was a bit of a design build kind of project where staff didn't know a lot of the details about tennis court, design, lighting and other things. He said staff was attempting to facilitate the projects progress by putting this condition with the SUP that before building permits and staff should have been clear

on that. He said they allowed all the foundations and buildings to go vertical and should have been a condition that stated before the lights were installed the metric plan was approved by the City Commission.

Corliss said for the light that had impacted the properties to the east, the parking lot lights and the tennis court lights, they had done what they indicted what they were going to try and do which was before their installation, have all that information confirmed by the City Commission.

Dever said those were lights that were basically installed for KU.

Corliss said those were the only lights that had been installed to date.

McCullough said those were lights that had been installed the condition was prior to building permits and again, it could have been a more clear condition perhaps to say which lights, if any. The condition as it read could be interpreted to mean all of the lights before permits and again they didn't even have that information and likely didn't know the vendor of the lights, but they might have and staff should have had better coordination with them on this.

Schumm said he didn't disagree with Farmer and thought it was out of step, but asked if the data would have been different or would they have gotten the same answer had they done it before the poles went up that they were getting right now. He asked if there would have been a change in that information.

McCullough said staff would have presented the City Commission the same packet of information and what it would have reduced was obviously the issue that the lights were installed now and would have perhaps given stakeholders the opportunity to review the plans and make comments without the lights being up. The lighting package that was prepared by the vendor would have essentially been the same.

Dever said they had lights that were already erected and in place, and asked if the City wasn't aware of those light poles, light standards laying there. He asked if the city's inspector

didn't see the size of those things and didn't know they were going to be put up. He said he was wondering about the oversight.

McCullough said they had been working for some time to get the information and thought the information was being prepared by the vendor to submit to staff and at the same time they were laying at the facility. It had been a compilation of getting the equipment and poles at that location and working on the data to be able to present and create the light plan first to put it together first to present it to the City Commission.

Amyx asked if the light standards had to be designed once for the photometric plan that was approved.

McCullough said the photometric plan was using the data from the light level data and then putting it on the site plan itself. He said they needed to know each fixture that generated a certain level of light and put the lights together, their location on a site plan matters and then project out what your light levels were from the placement of that pole and that certain fixture.

Amyx said so it wasn't a situation where they get the photometric plan approved by the City and design the standards to meet that photometric plan.

McCullough said correct. You take the lighting fixture and project out what the impact of that light was on the site.

Farmer said this was a wonderful project for this community and he was incredibly excited about its potential and all of the things that were going to come as a result of having this facility. He was only concerned of what he was reading in the background of this - that one condition required that a photometric plan for all exterior lighting be provided for review and approval by the City Commission prior to release of the SUP for building permits. He said he was concerned that that didn't happen.

Dever said he agreed.

Farmer said if none of the neighbors would have commented on it, then they wouldn't have anything to say, it wasn't an issue, and it was okay. He said in all fairness to the process and to the neighbors to do something and sit down and have a conversation. He said he didn't know the answer, he just felt that in all fairness to the process. He said as McCullough indicated that staff didn't have time to comment on it and it was here and it happened. He said he felt they owed it to the process to make it right, but he didn't know how to make it right. He said that was a conversation that was fair to have.

Hird said the SUP required that the photometric plan for all lighting be approved by the City Commission prior to the issuance of building permits. The idea that they could do it in phases was incorrect. If they pulled the building permits for the rec center or the parking lot, it shouldn't have been. The entire photometric plan should have been approved prior to any of those building permits being issued.

McCullough said at the time that was staff's plan, but there was a failing on staff's part to coordinate that back earlier this year and it was a miss-coordination they had with the contractor, but again they had a production window and a building window that they wanted to get going on and yes, staff tried to facilitate that along by allowing the permits and then on the losing side of some of the specifics of those conditions including this lighting plan.

Dever said staff should have done this before issuing building permits. He asked how long ago the construction started.

McCullough said he would need to check the records to see when the permit was issued, but thought it was sometime in the spring.

Dever said it would have been nice if someone had pointed this out specifically the neighbor if he knew about this issue to staff previously before this project had gotten so far along although the city should have done their job and doing this. It would have been great if they hadn't gotten to this eleventh hour and if they knew there was a problem and hopefully staff didn't wait. He said he wanted to make sure that if there were other issues that came along as

a neighbor to this property associated with activity out there, specifically the City's building, parking lot and lights, they would appreciate any advance warning before they got to this forum. He said he didn't think it was appropriate for the Commission going at this and should have hammered this out ahead of time and he apologized for that.

Corliss said neither the parking lot lights, or the tennis court lights had been installed. The parking lot was largely built but the lights were not in. The tennis court wasn't even under construction yet. It was a photometric plan that had already been set out in this and it was appropriate of it to go ahead and proceed at this point anyway. It wasn't staff preference and clearly not the way the condition was written for it to proceed that way. He said they had waited in order to allow projects to proceed for photometric plans to catch up with the project. This was not the first project where this has happened and wasn't staff's preference and wasn't the way the code was written, but staff was approving them before that was installed and didn't know if there was much value in having a third party look at that and thought they had the right kind of standards that met the issues that were most closely adjacent to Graham's property.

Schumm said it seemed like staff was saying that they had a plan and it worked and was functional. He said Hird was saying that they didn't know if it was functional and wanted someone to verify it. He asked if it would be possible for Hird and staff to sit down and go over the photometric they have to see if there was indeed a discrepancy in what they believed that was true. He asked if it could be addressed that way rather than going through a whole third party expertise of review. He said he presumed the two groups hadn't sat down and gone over the photometric of the site.

Hird said he would absolutely always encourage his client to engage in dialogue with the City and certainly hopefully could be productive. The idea that they were responsible for compliance with the SUP requirements was a bit of a stretch for him.

Dever said for this to be clear, he wasn't implying it was their responsibility. It would have been nice to have this conversation before he was sent the email today.

Hird said he understood. He said they weren't thinking in those terms until they saw it on the consent agenda and that triggered the inquiry as to why this was on now and should have been done before the building permits were pulled.

Schumm said Hird was absolutely right and they didn't follow their own SUP the way they should have. He said here was where they were today and asked if there was a way to table his for a week or two weeks and have the two parties sit down and go over what information there was. He said maybe they would agree to it and say okay its fine or maybe there might be a part they wanted to challenge. He said he would like to refine it a little bit to find out if there was a problem. He asked if that was something staff could do.

McCullough said they could certainly sit down and talk to Hird and his client and show and review the plan with them.

Schumm said if they tabled this discussion for two weeks until that took place was that a difficult situation.

McCullough said he didn't think there was a keen sense of urgency, but he wasn't sure what the plans are for the other lights.

Corliss said staff would make sure the other lights didn't proceed with installation.

Schumm said that was a first step and maybe they weren't in disagreement and maybe there was a lack of information that was available. He said if they find that there was indeed a real challenge and then they could look at it and take some positive response to it.

Hird said they would appreciate the opportunity to discuss it with staff further.

Moved by Schumm, seconded by Riordan, to table item No. 7 to a later date with the proviso that staff and the neighbor get together and try to exchange information. Motion carried unanimously.

Dever said he apologized for this failure to follow procedure in the proper manner.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

D. REGULAR AGENDA ITEMS:

1. **Considered approving an agreement with the Lawrence Farmers Market allowing the use of City Parking Lot 8 (800 blocks of New Hampshire and Rhode Island) on Tuesdays and Saturdays during the 2014 Farmers Market season.**

David Corliss, City Manager, presented the staff report.

Amyx asked if the agreement was identical to last year's final version.

Corliss said that was staff's plan.

Corliss said they didn't know the timing of the construction of the apartment complex that had received some land use approvals for the northeast corner of 9th & New Hampshire. He said that would obviously impact this parking lot, but staff didn't know when that would happen.

Amyx asked if staff looked far enough into those plans to see what type of staging area it would have in that parking lot in the 800 block on the east side.

Corliss said the Planning and Development Services Department had discussed the project, but the Farmer's Market didn't have a staging plan at this point.

Scott McCullough, Planning Director, said staff didn't have a staging plan for that project yet.

Corliss said if it impacted public right-of-way, the Commission would probably see that staging plan as part of the Commission's review of that project.

Farmer said regarding the private lot at 211 East 8th Street, he asked if that was the US Bank because the agreement indicated that it would be subject to the approval of the property owner. He asked if the Farmer's Market would be able to utilize that parking lot again.

Corliss said that would be up to the Farmer's Market. He said he didn't know if that was as critical of an element as what they did regarding some of the parking in that area in the two hour lot on the west side of New Hampshire.

Mayor Dever called for public comment.

Mike Riling said they had been parking in that parking lot for 27 years. Obviously, it impacted them when it was used for the Farmer's Market. The compromise, this year, worked

out well having the two hour lot converted to the 10 hour. He said this proposal would work out well. One thing he would ask the City Commission to do was to start thinking about what happened when the Farmer's Market grew. He said moving the Farmer's Market to the library, closing Vermont Street for the Saturday market was something that the City should explore because if there was a Tuesday market that grew, it would grow into everything and sooner than later there would be a Thursday market request. He said that location was not going to accommodate a Thursday market very well. He said it would be a good idea to start now, next year was probably not an option because of the bus route. He said looking at using the library area as a potential market and finding ways to encourage the market to move to that location would be great. If the market planned to expand to the Tuesday market and if they started taking more spaces that would be problem. He said the Farmer's Market worked out great this year and it would probably work out great next year, but what would happen in 5 years and if the Farmer's Market asked for a Thursday market that would create some problems. He asked the City Commission to start thinking about planning for the future on the market.

He said with his meeting with the Farmer's Market representative, he asked about the library location and they indicated they would be happy to look at that idea, but there were pros and cons to that site like there were pros and cons to any site. Once the library was completed, the representatives would look at it and follow through. Clearly, if the Farmer's Market grew there would be an issue with that as well. He said the City didn't operate the Farmer's Market, they did, but they're the ones that were responsible for its success. He said the City was the landlord to some extent for some of the property the Farmer's Market used. Corliss said they wanted the Farmer's Market to be successful as an additional way to get good food to people.

Riling said he wasn't asking for a debate, but asking to explore the idea. He said he was unaware that it was already being explored. He said the City should encourage the Farmer's Market to move to the library location because it would be a good location, especially if Vermont Street could be closed, have that entire area for the Saturday market and the expansion of the

Tuesday market and a potential Thursday market would create problems and asked why wait to debate that. He said he was happy just knowing the library location was going to be explored.

Amanda Cook, Serving Chair for the Lawrence Farmer's Market Board, said to address the issue of a growing Thursday market, she wanted to point out it was a 2014 Farmer's Market Agreement and if in the Lawrence Farmer's Market 2015 year the location needed to be addressed, they would. Currently, for the year 2014, they had no desire to add a Thursday market and were always were understanding to the business in the area. The Tuesday market had 15 market vendors at this time and had rarely, on Tuesday, more than half the vendors show up. She said they would discuss moving as necessary. There were various issues in moving to the library that did not suit the current Farmer's Market needs. Also, they didn't encourage more vendors to join and moving always hurt their customer base.

Riordan said Riling made some good points about what would happen and the size and shape made a difference. He said it would be fairly simple to ask prior to next year's request that the Farmer's Market come up with a 5 year plan as to size and shape of the location, looked at every year and extended 1 year. He said it was fairly simple and easy to do and gave the Market a chance to look at what the future held for their market and gave the City Commission the chance to find out what they were thinking.

Dever said that sounded like a good idea.

Moved by Amyx, seconded by Farmer, to approve the agreement with Lawrence Farmers Market allowing the use of City Parking Lot 8 on Tuesdays and Saturdays during the 2014 Farmers Market season; and, directed the applicant to come up with a 5 year plan. Motion carried unanimously.

2. **Considered adopting on first reading, Joint City Ordinance No. 8948/County Resolution No. 13-32, establishing the Douglas County Food Policy Council as a joint city/county advisory body, and receive 2013 Common Ground Program Report.**

Eileen Horn, Sustainability Coordinator, presented the staff report on the ordinance.

Dever asked Horn if she wanted to go over the report as well.

Horn said she would like to highlight one or two things. She said the Common Ground Program was their City land lease program where they leased City owned properties to urban farmers and community gardener. She said the properties were leased free and in exchange, they propose a community benefit plan of how their community garden, the broader Lawrence Community which was established by the previous City Commission and the leadership of then Mayor Schumm who was also an avid gardener. The Food Policy Council and City Commission worked closely on that program. She said this program came out of a food system assessment that was conducted by the Food Policy Council and they were trying to address the two items which that there were a lot of citizens in this community, especially north and east Lawrence that liked access to grocery stores and healthy food outlets. She said less than .1 percent of the farmland in Leavenworth, Douglas, and Jefferson's Counties was dedicated to fruit and vegetable production. She said there was a lack of production and access and community gardens were a great way to make sure that healthy food could be produced right in our Lawrence gardens. She said they had great success and had about 6 acres in production with over 120 people actively growing food. She said as part of the Community Benefit Plan in exchange for getting to use City property to grow food on, they asked for a Community Benefit, where the community gardens and farmers had agreed to donate produce, host workshops and partner with schools. She said this year 2,000 pounds of produce was donated to local food banks out of those gardens and farms. She said for this year, they would open up the process again and had 3 new sites where citizens could apply to lease from the City. Applications were due January 6th and be reviewed by the hopefully, Joint Food Policy Council.

Riordan said it was great program and wondered how they got anything done with 20 to 23 people on their Board.

Horn said there were sub-committees and she made them meet throughout the month.

Schumm asked what the 3 new sites looked like.

Horn said one site was a section that wasn't rented last time; another was Edgewood Park at 15th and Haskell; and, a site a Kingston Drive and North Peterson which was about an acre and a half of vacant property.

Mayor Dever called for public comment.

After receiving no public comment, Farmer said the Food Policy Council was doing nationally renowned and recognized work and Lawrence was looked at as the model thanks to the work of Horn and all the folks on the Food Policy Council. He said he understood that the County had requested a food hub feasibility study that would be back in May. He said it would blow people away, the amount that would be transferred back into a local economy by putting public and private resources into encouraging farmers and growers to grow their own food. It would be a significant number that would turn heads. He thanked Horn for all of her hard work as well as the Food Policy Council and asked Horn to communicate his gratitude.

Amyx said regarding the \$392,000,000 being spent by residents in the tri-county area and there was a 1/10 of 1% of land in production for vegetables.

Horn said it was an opportunity to keep those dollars locally and grow the City's agriculture production sector.

Moved by Riordan, seconded by Schumm, to adopt on first reading, Joint City Ordinance No. 8948/County Resolution No. 13-32, establishing the Douglas County Food Policy Council as a joint city/county advisory body, and received the 2013 Common Ground Program Report. Motion carried unanimously.

3. **Received the Cultural District Task Force Final Report.**

Cindy Maude, owner of Callahan Creek and a member of the Cultural District Task Force, presented the staff report. She said the task force was created by the City Commission by Resolution 7021 on April 2, 2013. She said what was important to know about this group was that they all represented critical areas of interest within the cultural district. The East Lawrence Neighborhood, the City's Lawrence Cultural Arts Commission, Downtown Lawrence,

the Lawrence Arts Center and creative businesses located within the district. She said their group was diverse and all worked hard to make sure they heard each other, sensitive to the needs of various stakeholders and made compromises that allowed them to have one voice. She said she could say with confidence that they were all in agreement with the report that they had presented. More important, they were all very excited about what they were presented to the City Commission. She said they strongly believed if they moved forward in a purposeful way to execute those recommendations, everyone that lived in Lawrence would greatly benefit from the results. Lawrence was already very rich with cultural assets. They had already made public and private investments in existing arts and culture. Their job going forward was to coordinate all of those assets in a meaningful way that would strengthen the Lawrence community and provide a positive return on the investments they already made and would continue to make. While the district would build on the assets they already had in Lawrence and create all kinds of opportunities for artist, residents, and businesses, they wanted to make another very important point. Doing this the right way would create a true economic return on the investment. Very recently the US Bureau of Economic Analysis and the National Endowment for the arts released the first ever estimates of the creative sectors contribution to the US Gross Domestic Product based on 2011 data. They reported that creative industries accounted for about 504 billion dollars or at least 3.2 percent of the U.S. goods and services. By comparison this sector out pays the U.S. Travel and Tourism Industry which was 2.8% of GDP. They had cited several research studies in their report that made a compelling case for the positive relationship between investment in arts and culture and economic development. The robust presence of arts and culture well marketed promoted economic activity. People didn't follow jobs, jobs follow people and people seek a good quality of life. In many instances quality of life was the number one reason that businesses locate in a certain area. They were confident that the City Commission's acceptance of their report would enhance their ability to attract tourist and companies offering primary jobs and enhance opportunities for all of

Lawrence's residents. They asked that the City Commission wouldn't think of this as increased expenditure and was really an investment in the future of Lawrence. They now planned to share with the Commission examples of what other communities had done to be successful, their primary recommendations for the cultural district and the reason this was good for neighborhoods and businesses in Lawrence.

Susan Tate, CEO Lawrence Arts Center and a member of the Cultural District Task Force, said one thing that became the most clear as they studied communities of Lawrence's size and larger around the Country, was that Lawrence, Kansas was far ahead of the curve in its ad hoc investment in arts and culture. This was especially true in a concentrated .7/8th of a square mile district now known as the Lawrence Cultural District. In their report they had presented to communities that had the following things in common. Those aspects that they share were part of their recommendation in the report presented to the City Commission. She said all models had City level leadership and financing; a City Director of Arts and Culture, a strong marketing plan based on a unified narrative; a well marketed, walkable, well lit cultural arts districts with way finding devices; a commitment to arts and culture as an investment in economic development that was shared by City leaders, City staff, and Chambers of Commerce; a significant private investment and an increase of civic pride, federal arts support and were all recipients of major creative place making grants from private funding organizations around the country. In addition, they saw measurable increase revenue on a per person basis with the difference between residence spending about \$25 per event in addition to admission price and visitors to cities spending \$35 to \$40 in addition to the admission price. In Lawrence, LiveWell Lawrence, their multi-model plan, sustainability action, new library, their dedication to complete streets, the creative grants they had already received from the State and the National Endowment for the Arts, Federal, Municipal, private investment, neighborhood plans, the Chamber of Commerce's recent commitment to Arts and Culture as a core value of Lawrence, the City's investment in the warehouse area in the Cultural District, had all created a forward

momentum that placed Lawrence in a position to do what other cities had done to great economic benefit. They had more than 3 models in their report, but they had highlighted Providence, Rhode Island; Indianapolis, Indiana; and, Columbia, Missouri. She said Columbia adds a special challenge to Lawrence for their tremendous investment in Office of Cultural Affairs and the measurable economic benefit Columbia had derived. Indianapolis, Indiana, had been especially successful in its development of walkable and bikeable pathways that connected various cultural districts within Indiana and connect to their own desire for pathways around the City and the County as well. Indianapolis had measured significant increase in tourism and also in expenditures by residence in those areas of cultural development. She said Providence, Rhode Island, had developed a cultural district around a walkway which was similar to one of the aspects of their recommendations which is to develop a 9th Street Corridor. She said Public art events, performances, ceremonial bond fires and other rituals had drawn tourist from around the world to Providence, Rhode Island and in Providence, a larger city, more than 25 million dollars was spent per season by a million tourists and observers who began to come to the City because of the development within their cultural district. All three cities that they had highlighted had seen increased federal support for the arts – for the City itself and also for individual arts, organizations in the City. Columbia, Missouri, had developed an Office of Cultural Affairs which was well funded with the staff that oversaw art events, connected cultural organizations in the City, provided support for individual artist, markets arts and culture and had developed a cultural plan. In 2010 over 70,000 citizens and visitors participated in City funded arts events in Columbia, Missouri and this number had increased in the last 3 years. In Lawrence, they felt that they already were in a better position than most cities would ever of dream of starting in. She said with the additions recommended by their plan, they knew they would see enhanced economic development, improved stature for the City of Lawrence as a destination for tourist and the type of businesses they hope to find here.

Grace Peterson, Cultural Arts Commission Representative on the Task Force, said the Lawrence Cultural Arts Commission (LCAC) was an advisory board originally created by the City Commission in 1973. The general purpose of the LCAC was to make recommendations to the City Commission regarding artistic and cultural events, the esthetic environment of the community, the review plans, proposals, and projects relating to architecture and art work within the City. They were also responsible for the Downtown Sculpture Exhibition, Community Arts Grants Percent for Arts Program, Phoenix Awards, and the care and maintenance of the City owned public art. The taskforce had 9 recommendations which were:

- 1) Create and fund a position for a Director of Arts and Culture - This person would play a key role in the success of the district, guide the development of a City wide cultural plan, create partnerships, and new relationships with community stakeholders and connect all of the existing assets together, creating a whole greater than the sum of its parts. Identify and pursue funding for arts and cultural offerings for the City. It was important to note that all of the models they had selected included a City funded position such as this;
- 2) Development of a Citywide Cultural Plan including specific planning for the district - The cultural plan would pull the entire cities arts picture together and provide a complete and effective plan to sustain Lawrence as a magnet for arts culture and creativity;
- 3) Infrastructure improvements - Their infrastructure recommendations aligned with the City's existing commitment to complete streets. Those esthetic and function improvements would allow and encourage residents and visitors to bike, walk freely and safety throughout the different areas of the district;
- 4) Events and Final Fridays - Should not only be continued but expanded and additional events that celebrated art culture, history and creativity should be developed to attract residents and well as visitors;
- 5) Public Art – Public Art had cultural, social and economic value. It humanized the built environment, invigorates public spaces, and allowed for a daily interaction with art. She said they recommended creating opportunities for public art of all types throughout the district;
- 6) Artist Live/Work Space – The City is encouraged to investigate live/work options for artist;
- 7) Preservation of Character of a District – The City was encouraged to preserve and protect the distinct and rich culture that already existed within the district;
- 8) Stakeholder Investment – Community buy-in was key. Involving stakeholders and district residence in the development of a cultural plan would help ensure its success; and,

- 9) Funding – The City should fund the Director of Arts and Culture position. She said those were the recommendations, based on their work over the past 9 months.

If taken in whole, they would ensure the success of the district, sustain Lawrence as a magnet of arts, culture and creativity, attract visitors, add to the quality of life of the community, and absolutely create a return on the City's investments.

Jacki Becker, long-time small business owner in Lawrence, and Vice President of the East Lawrence Neighborhood Association, said along with Downtown Lawrence Inc., and the members of the Cultural District Task Force, East Lawrence Neighborhood Association, supported the City in the hiring of a City Director of Arts and Cultural who would implement a cultural plan that maintained the historic nature and positive quality of life in Lawrence. With the cultural district being located primarily in low to moderate income neighborhood many of their residence used public transportation or bi-modal transportation. They looked for the cultural plan to improve the possibility of their sidewalks and roads in the neighborhood. Their hope was for better lighting and complete streets for families, seniors, and children to be able to get around the district with greater ease. With renovation of the 9th Street Corridor, they looked for lighting, walkability, and bike friendly streets as a top priority in the cultural plan. Approving the Burroughs Creek Trail Extension heading through historic Hobbs Park, toward the river was one of the many ways they also hoped to increase connectivity in this community. Many residences in the cultural district were artists and artisans. They hoped with the development of City-wide cultural plan, to maintain the residency of those artists, along with affordable artist studio space, affordable work and living space for residents in the neighborhood should also be maintained. Residents of the Cultural District deserved to continue to live and flourish while increasing the availability of jobs in the creative sector throughout the City. The hiring and utilizing of local residents and the creation and implementation of the art throughout the cultural district was imperative. Studies had shown when a community committed to arts, kids did better in school, neighborhoods were safer, and the quality of life increased. Connecting the cultural district with

the rest of Lawrence to increase public transportation, better bike paths and safe sidewalks would increase the health of this City. Hiring a Director of Arts and Culture to implement the City's cultural plan was the first step to continue the enhancement of Lawrence, Kansas as a place to artistically work and live. The Lawrence Cultural District would preserve the historic and cultural identity in making Lawrence a cultural destination. It should stimulate growth through creative businesses and regularly occurring cultural events throughout Lawrence and Douglas County. Lawrence's cultural district would elevate Lawrence as a destination for tourism and business investment. By encouraging public access and participating in the arts, they aimed to making Lawrence, Kansas, a destination leader for arts and cultural throughout the country. On behalf of ELNA and the Cultural District Task Force, they asked that the City Commission accept their report and move forward with the recommendations.

Mayor Dever called for public comment.

Garret Tufte, Secretary of the Art Guild and member of Lawrence Creates, said he wanted to show his support for everything the Lawrence Cultural District Task Force was doing and this was a wonderful idea. He said he was an artist and part owner of a small business. He said it was wonderful for this City to move forward in this direction. It built up the people in the community, it created a sense that they could do those things all on their own and didn't necessarily need to pay a lot to go to school to make this happen.

Leslie Soden said she had the privilege to sit in on the Cultural Task Force meeting since April. As they slowly ease out of the long recession, she thought the question on everyone's mind was "how did they exploit economic development for our city, but in appropriate ways that would not cause this city to lose what made Lawrence special." As a member of the Joint Economic Development Council, she knew that this question was forefront in her mind all of the time. As everyone knew when it came to small business retention in attracting new business to Lawrence, this City's cultural offerings were at the top of the list. The City's offering showed the progressive spirit of Lawrence because the City heavy in cultural

offerings, was a City that believed in diversity of thought, imagination and appreciation for others and their view points. A City heavy in cultural offerings became a magnet for creativity. She took part in the twitter recreation of Quantrill's Raid this past summer and witnessed first-hand what could be achieved with all of their cultural organizations working together. It was a very successful and structured approach and more importantly a top down approach, an amazing success in teamwork. They took the best parts of this culture and had them all working together to create one master plan to educate both tourist and residents about their bleeding Kansas heritage. This summer was an example of what could be achieved with the strategic approach. Perhaps a way to ease into this was to have a neutral outside consultant come in 2014 to develop the cultural plan with major stakeholder input and then in 2015 the City would be in a good position to hire a Cultural Director to implement and maximize that cultural plan. What might mean, like yet another budget expenditure to squeeze into the City's budget was actually a small investment into the City's future as a cultural destination. Through arts and history they could turn day tripper into a 3 day cultural consumer, one that directly benefitted the City's bottom line.

Eric Kirkendall, former member of the LCAC and now Director of Lawrence Creates Makerspace, said they were an economic development organization. Lawrence was one of the most creative places in the United States and it could be in the World. A very high proportion of artists and musicians and the competitive advantage of Lawrence was its creativity. He said many of the Commissioners were businessmen and knew what it took to get competitive advantage which was to leverage their strengths. The strength of Lawrence was its creativity and thought this was a well thought out plan and Lawrence Creates Makerspace supported the Cultural District Plan and would do anything they could to help make it happen.

Mike Myers, Architect and Chair of LiveWell Lawrence Healthy Built Environment Workgroup, said the LiveWell Group enthusiastically supported the recommendations of the task force. He said as a brief anecdote, in November he got to experience the Indianapolis

Cultural Trail by virtue of having attended the National Historic Preservation Conference. He said that trail was a fantastic facility and probably one of the reasons why that National Conference was held at that location was because of the support that community built there. He said he supported the Cultural District Plan personally and supported it as part of the LiveWell Group.

Barbara Kerr, Co-Founder of Lawrence Creates Makerspace and a Professor at K.U. specializing in the psychology of creativity innovation, said creativity were one of their most important resources. She had traveled all over the world to study what they called innovation clusters. She said they analyzed the personalities and characteristics over 1,000 adolescents graduating from Lawrence High Schools and found that Lawrence had one of the highest proportions of creative personalities, innovative behaviors of all of those other places in the world. She said because of the extraordinary possibilities to leverage that creative ability, they needed to support those recommendations. She said there was difficulty of collaboration because each of their organizations had a different mission and was made up of different people for instance, the Makerspace was an attempt to bring together arts and technology whereas some were fine arts and some were dance. She said sometimes it was difficult to know what was happening in every cultural area of town. The recommendations would make it possible, particularly if they had a cultural and arts person would make it possible to collaborate better and to work together to make this City a better place.

Chris Tilden, Director of Community Health at the Lawrence-Douglas County Health Department said he had the pleasure of supporting the work of LiveWell through the Health Department. He said this plan was a very detailed and compelling plan and presented some wonderful opportunities for this City for many of the reasons noted already. He was certainly interested in the aspect of the walkability and livability created through the plan. He said he didn't know who would eventually approve the position description for the Director that was included in the plan, but the friendly amendment he would make was with the piece around

walkability and livability and that the Arts District be included in that position description. He said he enthusiastically supported the recommendations.

Frank Jansen said some years ago possibly in the LJW, and it may not be true but he noted that Lawrence had the same cultural events per capita as New York City. He said what was needed was a shuttle bus on Final Friday's to take people on a circular shuttle bus to go around Massachusetts out to the Warehouse District and Lawrence Creates. He said they had walkability, but it was good to have a shuttle bus to help people get to their destination.

Darren White, former Arts Commissioner, said he supported the Cultural Arts District Plan.

Dever said he appreciated the support and the detailed summary of the report.

Schumm said he was a part of the committee and they worked hard to get that final report in play. He said it was his goal, throughout the entire event, to where they had complete consensus on the report. He said that probably took an extra 3 or 4 meetings and rewrote several statements several times, but in the end they had a report that was completely supported by all members of that Commission and the prospective organization members report back to and represent. He said it was important in that it would gain complete community credibility and achieve that. He said he wanted to thank every committee member because every committee member worked very hard to accommodate other people while still representing their position. He said from the information given a person could see an absolutely unbelievably opportunity the City would have in just promoting the arts and connecting those arts together, but then the spin-off was economic development. He said people would want to participate and would come from a long way away to participate. He said citing those other cities and what they had accomplished proved that and that was just 3 cities they picked that were a lot like Lawrence. He said there were many more cities that were doing this quite successfully. He said it connected people and had both the art connection and a physical

connection. He said there would be walkability, ride ability and different areas open up. He said this was a super opportunity for the City of Lawrence.

Dever said he appreciated all the time spent on this plan. He said he read the minutes and was clearly a desire of Schumm to reach consensus and that was important for an item like this.

Amyx said in the first line of the recommendation discussed the Cultural District Taskforce. He said he assumed all current zoning and plans related to the area within the district would remain in place.

Schumm said the statement had to do with discussion of gentrification and one of the fears of the East Lawrence Neighborhood group as well as many artists that reside in the area was that this would push demand on properties to where people couldn't afford it and might bring in outside development which would result in up zonings or a massive clearance of some sections of land to build other entities that would take advantage of this new district. Specifically, they felt like they wanted to make a statement that they didn't want that to happen and wanted all the plans in place to be followed and that any change had to go through the normal planning process. That was not to say that something couldn't ever change, but they would recommend that everyone go very slowly. The hopes of the committee were that things retained the status quo as what they were now.

Amyx said upon receipt of the taskforce recommendation about the plan, he asked what they felt about the process, specifically the funding.

Schumm said anyone could tell from this group that they would like to get on it right away rather than wait until January 1, 2015, if the City Commission supported the request in the next budget cycle in 2014. He said there was some genuine interest by the committee to see if they could come up with some money sooner than January 2015 to start with a Director so they could move forward. A couple of issues at hand that Susan Tate could explain.

Tate said all arts and cultural funding in Kansas now came through the Department of Commerce and there was a granting opportunity for funding. She said they could apply for funding for that position, particularly for the last half of 2014, if the City would decide to match it. She said if the City decided on a salary for the position, come up with half of the funding for half of 2014, they could apply for a grant from the State to match that, up to \$75,000. She said that money could continue into 2015 budget year.

Schumm said another thing he would like for Tate to comment on was the significance of the Commission's acceptance of this plan tonight. He said first of all they agreed to establish the cultural district in February and the cultural plan was being offered for acceptance to receive it, but that puts into play another grant and asked Tate to explain that grant.

Tate said it puts in play all of the major arts and culture funding grants in the Country, from the National Endowment for the Arts, the Kresge Foundation, Art Place America, The Hurst Foundation, and The Ford Foundation were looking to see, not just random or ad hoc investment in capital plans, but also one voice coming from a city declaring what the plan was for arts and culture and how did their request fit into a portfolio of strategies upon which this City had agreed. This plan, even its presents on the City's website was a step in that direction. The Lawrence Arts Center would be in the process of applying for an Art Place Grant in which Lawrence came very close on last year, but one of the criticisms was that the City didn't have a cultural plan or a position for a person who would follow through on behalf of the City. They had all of the major big investments in place, but had yet to make that final step to tie it all together. She said it was crucial in the world of creative placemaking which was the term used for their Arts and Funding organizations around the country. She meant funders that were giving \$100,000 to a \$1,000,000 to cities and arts organizations with this sort of plan in place.

Schumm asked about the grant that they would be applying for.

Tate said this was the Art Place Grant and they had been in very preliminary conversations about the City's commitment to a complete streets plan for the 9th Street Corridor.

She said what was happening was that the neighborhood and two area on two ends of it that were the site of federal, municipal, and private investment, downtown and the warehouse art block, but those were all linked together in a real place which was where the neighborhood artist were living and working and small businesses exist. She said that corridor would be the site of arts projects and they wanted to bring to the table, the funding for public art as their committee decided it was so important to the cultural district. She said they need to be able to say that the City had the commitment to the cultural district, the 9th Street Corridor, the development of a cultural plan.

Schumm asked about the cost.

Tate said probably \$400,000 or \$500,000 would be the request, not all for public art but to pull off a project. A part of this cultural plan was saying they wanted to place artist at the beginning of engineering, in the beginning of thinking about a place, not at the end where there was a sculpture set in the middle of a roundabout, but rather this thinking started from the beginning. She said this was what this cultural plan gave them, an opportunity for a new way of thinking. She said there was quite a bit of funding in the world for that.

Schumm said the point was that there was some real money out there. He said they weren't talking about \$10,000 to \$15,000 grants, but \$100,000 grants.

Tate said those were granting organizations actually seeing art as an input and measure success in terms of economic development. She said they were a perfect blend of ways to support the creation of art and ways for artist to live, work and seek new ways for economic development to occur. She said their recent National Endowment for the Arts Grant was all about this and they had just brought \$150,000 grant in based on the idea of creative placemaking, based on the existence of the cultural district task force just in process and what that would be doing was funding the Free State Festival which would be public digital art, Film Festival and the partners that had come in just on the basis of this National Endowment for the Arts Funding at \$150,000 were significant.

Dever said he saw the article when it came out about the effect of arts and the GDP. He said he was impressed with the number and in light of some of the cuts that happened in this State relative to Lawrence he thought it was a short sided approach.

Riordan said he could remember recently they had an election and during that election, you meet a lot of interesting people. One of the person's he met as he walked up was outside and she looked at him and said, "I just want to ask you one question, do you support public art?" He said very much so and that person said she wasn't voting for him and ran inside. He said he didn't handle that very well and should had told her that one of the slides indicated that arts improved public safety, decreased crime, increased literacy, and increased job skills. He said it was so important and was so enthusiastic about this plan.

Amxy said he appreciated all the work the taskforce had done. He said he appreciated the comments and answers to the questions about the zoning and plan issue. He said he stood ready to receive the report and looked forward to future discussions.

Farmer said there was obviously a lot of momentum around not only this report, but this group. He said it would be wise for the City Commission to do what they could to sustain that momentum. The worst possible thing they could do was waiting until next fall to have another conversation about it and all the work that this group had done. He said the more they could do to facilitate an action plan for this group and the momentum they could help to sustain as a governing body, would be a wise thing for the Commission to consider as they received this report.

Schumm said the question at hand was should this group or part of this group submit a request for a grant to see what happens, knowing the City would need to match some part of that from some funding. In one way, if you did that it would be circumventing the process of budgeting for next year because the City would make a commitment prior to that budget discussion to force the City's hand to keep going with it. He said it wasn't a bad thing, but it was a chicken and egg situation. But if waiting until January 1, 2015, they would lose a lot of

momentum. He said Tate had indicated how much grant potential was out there and one of the things about the grant potential was that they were from private foundations and not government money. Personally, after going through this and listening to everything, he would like the City to hire a director quicker than January 1, 2015.

Amyx said before approving this request, he thought the City Commission should receive comments from the City Manager on where the matching funds might come from and what effect it would have on the existing budget. He said they needed to have those kinds of comments.

Schumm said he agreed and it didn't need to be decided tonight, but to bring the conversation to where it was really at, in terms of trying to move forward with this plan.

Tate said the Kansas Department of Commerce application was due February 7th. This was the grant for which they could apply for up to \$75,000 and if thinking about the salary range they were considering for this position, they would then be looking for the City for 2014 to match 1/4th of an annual salary because they would only have half of the year left and half of that would be paid by the Department of Commerce, should the City receive the grant. The City could commit to match the grant and decide to wait until the actual budget cycle if the grant didn't happen.

Amyx said they had agreed to whole lot of things in 2014. He said he wanted to be sure the City could meet their obligation.

Schumm said that was why he brought it up. It did set in motion a continuation of this particular position in 2015 to be completely fair with everyone.

David Corliss, City Manager, said he was supportive of a position and thought there was probably more than enough for a staff person to work in this area. He said it was a great report and certainly highlighted the need. If they committed to hiring a person in 2014, they were really committing to hiring that person and adjusting for 2015. He said they would hire a good person and have that person do great things. He said it would be very difficult for them to say, "It was

nice to know you, but were not going to fund it again in 2015.” He said if the City Commission made a decision to participate, they were really making a 2015 budget decision, but it didn’t mean that they couldn’t look for additional resources that might continue the funding. Again, the City Commission was making a 2015 budget decision in his mind. The City Commission was the group that would decide the 2015 budget. He said it was good to look at the entire budget all at once to pick priorities and fund those priorities as opposed to seeing things throughout the year. He said he was very supportive of pursuing the grant because it was a way to stretch the City’s dollars. He said they didn’t control the timing of when grant application were available. If they wanted to proceed, he thought it was something that they needed to do within the next few weeks because there was grant preparation time and all those other things to make sure they put their best foot forward.

Dever said this mirrored the process that went forward with their Sustainability Coordinator who spoke on item 2 and who Farmer and others had lauded as someone who had brought national attention to the City. He said the City Commission tasked the Sustainability Coordinator with trying to pay for her salary by reducing the City’s greenhouse gas admissions, by making Lawrence a more sustainable place and she had done that. He said the City Commission received that recommendation from the climate protection task force and received stimulus dollars to help the City through the first process and we shared the costs with the County which led him to the question, had staff talked to the County about helping in this endeavor at all.

Tate said no.

Dever said in light of this, he agreed with Schumm in trying to move forward in applying for the grant with the idea they would match those funds, but simultaneously, if there was any budget shortfall, he suggested hitting up the County for a little bit of dollars to help.

Corliss said or other partners.

Schumm said he thought it was a great idea because he lived in the County too.

Dever said cultural district plans had been successful, in the past, with similar requirements and similar type of process and the City Commission should seriously consider it.

Schumm asked if the City Commission wanted to bring this back in January and have a discussion as to whether to move forward with the grant request.

Dever said he thought it was better to do it sooner than later because of the time it would take to write the grant. He suggested the City Commission try to revisit this item by the second week in January and would give the Commission about a month to digest the information and come up with a strategy.

Schumm asked Tate if it would be possible to apply for the grant and then if they received the grant, he asked if they could return the grant if things didn't work out.

Tate said she wasn't sure what might not work out. If the City would match up to \$75,000 and they had \$150,000 to fund the position or things related to the position. He said he agreed with Corliss that at the time the Commission decided to match the grant and if the City should receive the grant, they were committed to the position.

Schumm asked when the grant would start.

Tate said it would begin to pay out in June or July, right about the time the City could go through the process.

Moved by Schumm, seconded by Riordan, to receive the Cultural District Task Force Report. Motion carried unanimously.

4. **Considered adopting Resolution No. 7052, exempting certain City buildings from the provisions of Senate Substitute for House Bill 2052, until January 1, 2018, and considered authorizing the Mayor to notify the Kansas Attorney General and the Lawrence Police Department of the City's exemption.**

Maria Kaminski, Assistant City Attorney, presented the staff report.

Mayor Dever called for public comment.

Patrick Wilbur, Douglas County Libertarian, said he needed clarification and more information on this exemption and the attempt to submit the exemption to the Attorney General's

Office. One of the concerns he had was that the exemption was aimed at concealed carry license owners which by every measure he had seen was the safer portion of the population. He said they were singling out those people even though the law gave them the right to carry in public buildings. He said he was interested in what the City feared from that portion of the population. He said he couldn't guarantee that people would be safer if they complied with this law, but he knew people wouldn't be any less safe. There was no evidence or data that backed that up. In other communities that had implemented those laws had been fine and there were other communities in Kansas that decided to comply with this law. It would save the City a lot of trouble over the next 4 years and it might also save everyone money. He said the other point was the security plan. He said he could totally understand why staff couldn't place a security plan on the City of Lawrence website. The problem was that they had an open ended situation because the public wasn't sure what this plan was and the public didn't know if this would be funded in 2015, 2016 or if it would be funded at all, is there was an increase in funding and if so, who would absorb that cost. He said if putting in metal detectors or hire staff, they wouldn't have the City's arts district because there wasn't that much money over the next few years. The other question was that it was his understanding was if they decided to submit that exemption to the attorney general, they would absorb the liability for that law. He said he wasn't a lawyer so he didn't know exactly what that meant, but it didn't sound good. He said when he stepped into City Hall next year and if the City decided to not send the exemption in, he won't fear anything because he knew a lot of concealed carry license owners tended to be very safe people, had gone through a background check, waiting period, taken a safety class and those were your salt of the earth people and not the people to fear. The gun signs weren't going to be very effective if someone wanted to come in and do harm. He said he didn't fear the concealed carry owners, but feared someone who was irresponsible with that weapon. He said he was encouraging the City Commission to not send the exemption to the attorney general. He said he knew it was an uphill battle, but asked the City Commission to take his comments into consideration.

Eric Metz said he urged the City Commission to consider not submitting the exemption to the attorney general. He said there was no substantial evidence to say they were safer by exempting building from responsible law abiding citizens.

Dr. Kathy Ammel, Secretary of Douglas County Republican Party, said she wanted to reiterate the comments from the previous speakers. She said she had remained in communication with Senator Forrest Knox who was one of the authors of this law. It was her understanding that you wouldn't be exempted from the requirements of this law, but would take the responsibility on for the liability. He said if they complied with the law, the City was granted certain immunity from the liability because the law provided certain protections for public and private buildings, but exempted building received none of those liability protections. If exempting the City from the law, they would take the liability upon themselves and must include this statement in the resolution: "A security plan has been developed for the building being exempted which supplies adequate security to the occupants of the building and merits the prohibition of the carrying of a concealed handgun. She said supposedly for the last 6 months, the City had been looking at developing a security plan, but from what she understood there was no funding for this security plan at this point. If the City was exempt, and not providing security that ensured no weapons enter the building which would comply with the law, but the City was prohibiting law abiding citizens from providing their own security. She said "no gun" signs didn't prevent criminals from carrying weapons into the building, but posting signs you assume would stop licensed concealed carry holders. She said it seemed the City was more worried about law abiding citizens then about criminals. In other words, the City didn't trust their own citizens and were willing to deny their constitutional rights. He said this legislation simply stated that if the government was not willing to provide protection for its citizens, then it could not deny the citizens right to provide for their own self-protection. Today many local governments were simply taking down the worthless signs and trusting their citizens. She

asked why the City would trust criminals more than law abiding citizens, especially citizens that were background checked, fingerprinted, and trained to use their weapons.

After the 2007 Virginia Tech shooting a jury found the school liable in a civil law suit and awarded family members of the victims, large cash settlements. In this case the judge instructed the jury that a special relationship did exist between the University officials and the victims and that the relationship required officials to provide for their safety and security. The jury found that Virginia Tech's actions contributed to the deaths of the students. She said that was an example of what could be a liability issue. She said she was afraid that the City was setting up a dangerous situation by basically advertising a "no gun zone" and not ensuring that it truly was a "no gun zone." She said she respectfully requested that the City not apply for this exemption.

Dever asked legal staff for a response to questions brought up.

Kaminska said it wasn't very fair to compare other State's and how they acted on gun laws because every State was different. She said the Kansas Legislature had seen to foresee this liability issue because it was expressly stated under law Section 2(e) and (f), referred to the liability of a municipality and stated, "If the Municipality posts signs in accordance with law and establishes adequate security measures the municipality shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed hand gun concerning acts or omissions regarding such handguns." If the City decided to prohibit concealed carry or if they decided to take down the signs and let concealed carry holders bring in their firearms, the legislature had explicitly stated that the municipality wouldn't absorb any liability.

Dever said there was the question of general liability by failing to allow or providing from a civil standpoint.

Kaminska said they would fall back on those subsections in the law as well which again, refer explicitly to the liability and that there wouldn't be any on behalf of the City.

Amyx said if a new Commission was seated and decided that it didn't want to come under the exemption would that Commission have the right to petition to not be part of the exemption anymore.

Kaminska did not state that, but stated that at the end of the 4 years, if getting an exemption, they would either have to allow concealed carry or establish adequate security measures. If the City decided in a year or two that they didn't want to establish adequate security and just wanted to let concealed carry firearms come in they could forego the remaining years, but there wasn't anything in the law that a Commission could undo it. It seemed like it would be voluntary, but it wasn't addressed.

Farmer asked if Kaminska could comment on how security measures would cost the City in subsequent budget year between now and 2018 and basically tell him that that wasn't the case.

Kaminska said there wouldn't be any budgetary impacts from this exemption.

David Corliss, City Manager, said he didn't have any plans for any budgetary impact regarding implementation. He said he didn't know what the future would bring as far as new facilities or new circumstances. He said there were some aspects within their routine, maintenance budgets and improvement budgets there were some things that they would be doing in that regard, but he didn't see it as a major budgetary impact unless the Commission decided in addition to what they were doing right now, want metal detectors or more security guards at certain places, but wasn't foreseen at this point.

Dever said he would take some of the blame for wanting to apply for this exemption. He said he believed there was a good reason to not allow fire arms into venues such as this building. He said that was his own personal opinion, but his desire wasn't to discredit or question the ability of someone who was lawfully obtained a concealed carry permit to carry out that right in other venue that was available. He said there was a police officer at every meeting and the reason for that was clear that meeting such as this meeting, tended to generate public

input and public participation and they as Commissioners were in a vulnerable position every week. In his opinion and estimation, his personal belief was that he would desire that if there was somebody that they observed with a handgun that that person whether legal or not was not allowed in the commission room. He said he respected everyone's rights, but his right to feel safe as well in a vulnerable position was equally important and until a person was in their position, he didn't think a person could fully understand. There had been multiple shootings at Commission meetings and people killed. Whether that person lawfully obtained the gun or not, it could be seen that there was opportunity for the City Commission to desire protection and exemption, not just this building, but all public buildings where public was invited. Secondly, they weren't worry about the lawful carriers of guns, but he unlawful carriers and it was difficult form any position in the room to ascertain whether someone was legally or illegally carrying. In that instance, he said it eliminated some of the doubt and questions in his mind, sitting in his position. He said he was in support of this exemption and he stated his reasons for supporting it. There personal and he apologized for that but that is how he feels.

Schumm said he shared a lot of the same feelings the Mayor had and sat through many meetings noticing people become very disturbed. He said they had people leave the meeting and come back at a later moment and stare at you and you wonder where they went and what they had. He said he didn't agree with the fact that all certified concealed carry people were trustworthy all of the time. He said he had some family members that had concealed carry permit and wasn't talking about them. He said anyone could break down at any moment and lapse into a situation that they wished they weren't. He read an example of a shooting at a carwash involving concealed carry license holders. In addition, there was an accident where a man shot his wife in the leg in a restaurant in Kansas City because he was reaching in to get his credit card and accidentally pulled the trigger. He said the Commissioners were easy target if anyone wanted to come in and blow them away. He said it happened in Iowa City and it happened in other places. He said he was of the opinion that fewer guns were better for them.

He said even at sporting events, he had seen parents go ballistic at sporting events for little kids. He said there were 80,000 people in Kansas that had concealed carry and that's a lot of people carrying guns around. He said he didn't care if they carried guns out on the street or wherever, but in public buildings, especially where there were situations where people get emotionally excited, than that caused some concern and was why he would support this request for the exemption.

Dever said the accidental discharge was a perfect example of a close setting and was something clearly on his mind as well.

Riordan said he worked emergency rooms and he was in Lawton Oklahoma in 1982 and one driver cut-off another driver in a pickup truck. One driver went to his house, the other driver found him, put a shot gun inside his car and fired. He said he saw the victim 10 minutes later and when he reached back to the back of his head, which was no longer there after they resuscitated him and realized there was no resuscitation that would work. Until you've been in that positions personally, or sat up here, the comments of the other commissioners were good. He said he wasn't interested in spending any money on creating a situation where they prevented people from carrying, but hoped within the next 4 years, they would have a political situation which would eliminate this necessity.

Farmer said on a macro policy level, this was a bad policy as far as the State's bill because you basically have the State micromanaging a municipality's ability to govern their own city. He said he agreed with the Commission and would of never of guessed how vulnerable it felt to be at this dais until he was sitting his chair and seeing people get agitated and wondering if the dais was bullet proof. He said on a macro policy level this was the State essentially telling the City how they needed to conduct business within their City and thought that was a bad way to do policy. He said he had to give Schumm credit that every good guy had a bad day and it was good public policy for the City Commission to ensure that if someone was having a bad day that they didn't have the ability to act on that and cause harm, not so much to the Commission,

but the kids at the East Lawrence Recreation Center and Rock Chalk Park. He said parents get very passionate. He said this was about public safety in assuring that everyone was safe and secure. He said those were his comment for why he would support this exemption.

Amyx said he appreciated all of the comments and questions. He said they had been put into a bad situation to even have to have this discussion. He said in light of the fact, they were put in a position and they were all going to have personal opinions. He said he and Schumm had been around and had seen a lot of situations and it is a question of personal belief. He said he supported the resolution, but hated to be put into a position of making this decision.

Dr. Ammel said regarding Section E and F, there was no increased liability if you have the exemption and implement the security plan. She asked if she heard correctly that the City was not planning on requesting any funding to implement the security plan.

Dever said she heard correctly.

Dr. Ammel said the liability would still be there.

Dever said no, the creation of a plan and the implementation of the plan could be achieved without additional funds. He said that was what they were told. He asked for confirmation.

Corliss said correct, that was his briefing on the matter at this point with the understanding if they had new facilities, new interest and a new Commission that wanted a certain level of security, that could change, but right now they didn't have any plan to spend substantial money associated with this exemption.

Moved by Schumm, seconded by Riordan, to adopt Resolution No. 7052, exempting certain City buildings from the provisions of Senate Substitute for House Bill 2052 until January 1, 2018 and authorized the Mayor to notify the Kansas Attorney General and the Lawrence Police Department of the City's exemption. Motion carried unanimously.

5. **Consider motion to recess into executive session for 30 minutes for the purpose of discussing possible acquisition of real estate. The justification for the executive session is keeping possible terms and conditions of real estate acquisition confidential at this time. The City Commission will resume their meeting in the city commission room at the conclusion of the executive session.**

Moved by Schumm, seconded by Amyx, to amend the motion and recess into executive session for approximately 45 minutes. Motion carried unanimously.

The Commission recessed at 9:05 p.m.

After returning from executive session at 9:50 pm, there was no action to report at this time.

E. PUBLIC COMMENT: None

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS: None

H: CALENDAR:

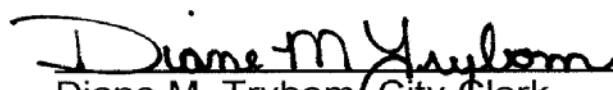
David Corliss, City Manager, reviewed calendar items

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 Farmer, to adjourn at 10:02 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON JANUARY 21, 2014.


Diane M. Trybom (City Clerk)