



City of Lawrence

CITY MANAGER'S OFFICE

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CITY COMMISSION

MAYOR
JEREMY FARMER

COMMISSIONERS
LESLIE SODEN
STUART BOLEY
MATTHEW J. HERBERT
MIKE AMYX

May 19, 2015

The Board of Commissioners of the City of Lawrence met in regular session at 5:45 p.m., in the City Commission Chambers in City Hall with Mayor Farmer presiding and Commission members Amyx, Boley, Herbert, and Vice Mayor Soden present.

A. STUDY SESSION (3:00 – 5:15 p.m.)

1. City Commission Study Session on 2016 Budget.

B. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Presentation of the 2015 Lawrence Cultural Arts Commission Community Art Grant Awards.
2. Proclaim the week of May 17 – 23, 2015 as Public Works Week.

C. CONSENT AGENDA

It was moved by Vice Mayor Soden, seconded by Commissioner Amyx, to approve the consent agenda as below. Motion carried unanimously.

1. Receive minutes from various boards and commissions:

Horizon 2020 Steering Committee meeting of 04/20/15

2. Approve claims to 197 vendors in the amount of \$ 2,069,279.76 and payroll from May 3, 2015 to May 16, 2015 in the amount of \$2,038,478.45
3. Approve appointments as recommended by the Mayor.

Douglas County Community Corrections Board:

Reappoint Bob Suderman (785.841.6357) to a term that expires 05/31/17.

Contractor Licensing Board:

Reappoint Greg Rau (785.832.1414) to an additional term that expires 12/31/17.

Appoint Larry Wedman (785.331.9547) to the Class C Contractor position that expires 12/31/17.

Mechanical Code Board of Appeals:

Appoint Doug Gaston (785.729.3205) to the at-large position that expires 03/31/17.



4. Bid and purchase items:
 - a) Award Bid No. B1533 – 40 Front Load Dumpsters for the Solid Waste Division, to Wastequip, for \$17,900.
5. Adopt on second and final reading, the following ordinances:
 - a) Ordinance No. 9108, to rezone (Z-15-00063) approximately .2689 acres from CS (Commercial Strip) District to RS5 (Single-Dwelling Residential) District, located at 832 Ohio Street. (PC Item 1; approved 9-0 on 4/20/15)
 - b) Ordinance No. 9109, for a Special Use Permit (SUP-15-00065), for Lake View Villas @ Alvamar, a residential development including 11 existing four-plex buildings, 8 proposed duplex buildings and 24 detached dwelling units on approximately 16 acres, located at 2250 Lake Pointe Drive. (PC Item 2; approved 9-0 on 4/20/15)
6. Approve a revised temporary use of right-of-way street event permit for the 2015 Tour of Lawrence for the additional closure of city parking lot #14 on Friday June 26, 2015 from 3:00 p.m. to 11:59 p.m.
7. **REMOVE FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.** Receive application for industrial revenue bond financing for the purpose of accessing a sales tax exemption certificate for materials used in construction for a project at 800 New Hampshire (the former Pachamama's building). Refer to the Public Incentives Review Committee for a recommendation.
8. Authorize payment of \$120,000 to Johnson County for City support of the K-10 Connector transit service.
9. Authorize the Mayor to sign Releases of Mortgage for Daryl L. Jones, 2732 Maverick Lane and Jamie Edwards, 3315 W. 18th Street.
10. Authorize the Mayor to sign a Subordination Agreement for Clayton McHenry, 936 Pennsylvania.
11. Approve "signs of community interest", located at 2920 Haskell Avenue.

K.T. Walsh removed consent agenda item no. 7, regarding IRB Financing at 800 New Hampshire.

KT Walsh:

Hi. Good evening, Mayor and Commissioners. Number 7 is the request for the old Pachamama's Building to receive a sales tax exemption certificate for materials used in construction. I understand this is just a request to start the process, send it to the Public Incentives Review Committee. I'm here to say it's the cart before the horse and it's way too early to be sending this to Public Incentives. The reason is, there are 55 market rate apartments that they'd like to put their 74 bedrooms,

I believe. There is absolutely no parking provided. This would be quite a precedent downtown. In their application to go to the Public Incentives Review Committee, they talk about they're going for the very lowest LEED certification. Their description of the anticipated positive environmental impacts is more pedestrian-friendly housing in downtown. The irony. When I went to a meeting as a neighbor of this proposed apartment building, they said they'd encourage the 74 tenants and all their friends to park in the parking garages across from the art center and the library. They also were asked to describe the quality of life benefits that would result from them getting a tax incentive for their project. They mentioned the cool design that will enhance downtown and increase our urban vibe. Talk about lazy thinking. I think we just need to step back, think about this project. We're looking at New Hampshire Street and what we'd like to have there. Seventy-four bedrooms with no parking, it's way too early to be talking about Public Incentives. Also, there's absolutely no affordable housing included in this project. We have asked Mr. Compton and Mr. Treanor repeatedly to include affordable housing in their luxury apartment buildings. They see no need, even though Tenants to Homeowners was fully willing to work with them and save them money by putting in affordable housing in their structures. If they're going to get a project with no parking, we need to get some affordable housing. Thank you.

Mayor Farmer: Any other public comment on this item? All right. Hearing none, back to the commission.

Vice Mayor Soden: If I understanding right, she's saying that we should have a plan actually approved for the building before we send it for Public Incentives, I'm hearing, right?

Mayor Farmer: KT, where did you go?

Vice Mayor Soden: Where did she ... There she is.

KT Walsh: There's such a crowd tonight. Yes. I'm not sure that's how the process has to work. I know you're in budget making time and I don't know if it has to go to Public Incentives Review in order to be built next year. I'm not sure quite how the timeline goes, but to me it just seems

like cart before the horse. Let's negotiate the plan, let's talk parking, then you can come ask for incentives. That's just my opinion.

Vice Mayor Soden: Make sense to me.

Commissioner Amyx: Mayor, is this a request conditioned on approval of this to proceed has to ... We have to have a site plan approved first?

Vice Mayor Soden: It seems what she's saying is that there should be some public benefit shown by the plan to receive public benefits, and there's not even a plan yet. I think that's what she's saying.

Scott McCullough:
Planning and Development
Services Director

I'd give you a status on the project. The project, the department project [inaudible 00:04:10] office as we see, the Resource Commission approval with conditions to work with the Architectural Review Committee, which is a subcommittee of HRC. The site plan process will be administrative in nature. The development code doesn't require parking for downtown projects. There are a number of buildings that have apartment units in them that don't have parking associated with them. Downtown is a little bit of a special district and that the parking is conceptually supplied by the city in the form of parking lots and garage structures. There have been several private development applications that have desired parking of their own accord that have been built recently over the last several years, but you're not likely to see the site plan for this project like you have some others based on some different kinds of process. I just want to give you the status on that. This will be a separate process altogether from the site plan. To date, it satisfies the development code for all these requirements.

Mayor Farmer: We've seen a preliminary development plan or anything for this project to this point?

Scott McCullough:
Planning and Development
Services Director

No. We're happy to share what we have for you and if you desire to see the site plan in a more formal capacity. We can certainly make that happen, but it will be administrative. We don't even have a site plan application at this point. They're working on it. They had enough of the elevation and building design to go

through the Historic Review Committee Commission process. That has again taken its course, but that that site plan will come through the Planning and Development Services Office and get its technical reviews by all the city and outside departments, and then if it meets code, it's an approvable item. It does have a few spaces. There's a small parking lot associated with it today and they'll maintain that.

Commissioner Amyx: The public process of this project and the PIRC Committee could be that first committee that would hear and they either approve this request up or down or this item with conditions, right? It has that authority?

Scott McCullough:
Planning and Development
Services Director

That's my understanding, yeah. They would make a recommendation to the commission on whether or not the incentive package is reasonable and what if any conditions would be recommended for that, with that. Again, I think we have enough of the project to know how many units, what kind of parking is established, what the design of the building is that PIRC can make that part of their review if they choose to.

Mayor Farmer: Thoughts?

Commissioner Amyx: If we don't start the process, we're never going to get at this past. As I said, this begins the public process.

Commissioner Herbert: As I'm looking through his application here, it says, I'm not sure what page I'm on, I think page 2, "Operation started the expansion on new facility July 2016." Right now we're about 14 months out from a start date. What is a typical lead time from when an application is submitted to the start date?

Scott McCullough:
Planning and Development
Services Director

It really varies quite a bit. From time of their submitting the applications needed to get to the building permit stage, that can be anywhere from a two to four month process to get through that part of the process. Then they typically got financing issues and contractor issues and their own just corporate timing of when they want to do a project. It varies substantially.

Commissioner Herbert: The reason I asked this, and, KT, you bring up some excellent reasons to reject, but my question would be, do your reasons to reject necessarily equate to reasons

to reject the application. Does that make sense? In other words, I'm not so sure I have a problem hearing the application, and then when it comes time to actually vote for against the application, I strongly encourage you to stand up and say the exact same things you just said, because I think what you bring to the table here are a lot of reasons to reject giving an industrial revenue bond to a project like this. I'm not sure that the reasons are reasons to reject simply beginning an application process. Does that make sense? I don't think accepting an application, by any means, says that we are approving the IRB. I would want to be very clear about that.

Vice Mayor Soden: To me, Public Incentives should have a public benefit in some way.

Commissioner Herbert: No. I agree. If something...

Vice Mayor Soden: If they don't have that, then I think we should reject the application until they have those things.

Commissioner Boley: I think we ought to stop the process.

Commissioner Herbert: What I think they would tell you is, if they were talking about ... I don't know if anyone is here in the audience on their behalf, but I think what their answer is going to be, if you ask them what the public benefit is and we find it here, sorry for strolling through this, they will tell you creation of or was it 115 full-time jobs, average salary \$35,000, which comes out to the lowest hourly wage offered to an employee would be \$16.82 per hour, right? I'm not saying that that's a reason we should vote for it by any means. I'm just saying that we're not at an approval stage or a rejection stage. This is merely a consent agenda. This is merely saying do we recognize the fact that they have applied at all. I think we recognize the fact that they've applied. We are more than welcome to turn around and reject the application and say, "Yeah, we recognize that you applied, but no, we're not giving it to you." I think we have to accept the fact that they have at least applied.

Mayor Farmer: Tony?

Toni Wheeler:
City Attorney

Thank you, Mayor. In addition to the PIRC review, in order to get the IRB sales tax exemption, it does have to be a public hearing and there will be a staff analysis and an examination of the proposal. That will all come back before and you will have an opportunity to ask additional questions or hear from the applicant about what type of benefits it will bring to the community. I just wanted to make you aware that there will be a public hearing process later in the process as well.

Vice Mayor Soden:

To me, a formal receipt is when the city clerk stamps it, perhaps. I don't know if the Planning Department has any kind of formal stamped receipts. To me we've received the application. If we think it has merit, then we forward it to PIRC. I hear what you're saying, but I see it a little differently.

Commissioner Herbert:

Legally, is that true?

Toni Wheeler:
City Attorney

We do stamp these received when they arrive in the City Clerk's Office, but, traditionally, we have had the City Commission receive them and then officially refer them to PIRC for review. It has been considered the beginning of the process once it's received by the City Commission, because it's ultimately the City Commission, not the city clerk that would grant any incentives, any benefit under this application.

Commissioner Boley:

I think we need to start the process. Let's get going.

Commissioner Amyx:

I think you hear the application at PIRC. I think you make any conditions that you want to add to it in the suggestion of the Vice Mayor. You also believe that there's no public part of this, add the conditions to it. You have the right. The government body, then, will be the second part that adheres to it, only after public hearing. You got to have a process. I just say you start it and go through it. The ultimate decision is up here.

Mayor Farmer:

My sense is that if we want there to be a public benefit and we don't believe there is now or there's questions about that, the way that we can gain public benefit is by having that conversation with the people as we go throughout the process. If we wish to have conversations, more conversations regarding affordable housing, regarding parking, regarding all of those things,

we have a mechanism by which to leverage influence as a city by saying that, if you're not able to provide those public benefits, then you're not going to get any subsidies.

Commissioner Herbert: I think we have to be very careful in rejecting an application, because you could be very against what the application says, and to be perfectly honest with you, I think there's really good grounds to be against what that application says, but I think at the point at which you reject simply accepting the application, you've essentially told someone we're not even going to give you a chance to make your argument. I think if we truly believe in opening the floor to the community and we truly believe in public input, we have to allow public input. Rejecting an application kills public input before it is even welcome.

Mayor Farmer: What do we want to do?

Commissioner Amyx: Would you like a motion?

Mayor Farmer: I'd like a motion to receive the application and refer it to PIRC or to deny receiving the application and basically stop it dead in water.

Moved by Commissioner Amyx, seconded by Commissioner Herbert, to receive the application and refer the item to PIRC for a recommendation. Aye: Amyx, Boley, Farmer, Herbert. Nay: Soden. Motion carried.

D. CITY MANAGER'S REPORT:

Toni Wheeler, City Attorney, presented the report regarding 37.7 tons of Electronic Recycled at Spring Event; April 2015 Monthly Permit Reports; New Bus Service to Technical Training Facilities at 31st and Haskell; Bob Billings Parkway Watermain Replacement-UT1313; Lawrence Avenue Watermain Replacement –UT1314; City Social Media Summary-April 2015; and, 2015 Helmet Fair.

E. PUBLIC COMMENT:

Paul Wislowski: Good evening. My name is Paul Wislowski and I'm from Luraville, Florida, and I'm a little nervous.

Mayor Farmer: Don't be nervous, Paul. We're all in this together.

Paul Wislowski: I am currently a Christian missionary of art traveling across America, stopping at universities, two universities at every

state. Kansas was one of them and this is my seventh state. I have a gift for the city first I'd like to share with you. I'm doing collective art. It's something that is unique and it's beautiful because it brings people together, and I'd like to share it with you, if I could. We did this on the streets. We did this on the streets and I'm the conductor of the symphony of art. Here it is.

Mayor Farmer: Wow. You want to turn it around and show it to everybody here so they can see it?

Paul Wislowski One of my missions is to try to get families and take this idea with them. The next time you have a family reunion or a birthday or an anniversary, put a sheet out there and say, family, let's draw together.

Mayor Farmer: Paul, do you want to go up to the microphones so the folks out on the lobby can hear you? I want them to be able to hear what you have to say.

Paul Wislowski: One of my missions is to try to get people to take this idea with them. Just to mention, the next time you have a family reunion, a birthday, anniversary, anything, put a sheet out there, invite a young person to run it. Let them do the work. Part of my mission here with the city is... I also have a gift on page 3. You'll see what I'm also leaving with this. I have a bag with an easel, everything you got to need. When you have an event, take the bag, put it down, ask the event first, can we get a prime spot, can we get a prime spot from you Then take the bag, put it down there, invite a huge group to come down and run it. What they're going to do is they're going to staple a sheet on there and have everybody put their hand prints on it. Then they're going to send it to the soldiers overseas so that they get something from the city. The youths are disenchanted with the government. You guys, where's a young person in here? Where? Nowhere. You guys got to bring them in. If you do something for them, they're going to say, "Wow, look at the city doing something for us." Everybody wins. The city wins because the youth looks at you in a different way because you gave them a place to do something. The youths win because they get a chance to help the soldiers and they put a donation bucket out and make a few dollars. The soldiers, they're the ones who win. The Marines, the men overseas, there's thousands, millions of them around the world. I'm sure they're in your

communities. Memorial Day is coming up. If you have somebody that's overseas, put a sheet out there and get your hands on it and say, "Come on." They can be with you, but it doesn't mean you can't take. Put something out there for them. Let's bond families together again. America needs that. We need the families coming back together. We need the 90 Yos. I call them 90 Yos that do something and you, local governments, could do it. The states and federal governments are too big. They can't do it. You guys, you can help those young people to do something for their community, to do something for our troops. We need that bad. I'm out here talking to you all too, about doing something for the troops, doing something for your family. Create heirlooms. Put a sheet, that's a bed sheet, that's all that is, with oil pastels. Let's bring the families together again. With the bed sheet oil pastels, let's get the young people doing something. Let's make the 90 Yos the greatest generation ever, because you've got to bring your families together. They're going to get us imagining again, imagining as a family again. I'm a first TV generation. My parents were the radio. Many of you are part of the radio. You imagine together. With the TV, it's not there no more. Imagining together with a family that's got it lost. We got to get back and we need you to do it. Please, take the time to draw, set up a simple collection art piece so that American families come back together again. Thank you

Mayor Farmer:

Thank you, Mr. Wislowski. Thank you for the sheets and for that sheet with beautiful art on it and for that impassioned plea. Any other general public comment? Yes, sir.

Michael Pryor:

Good evening. My name is Michael Prier. I'm not nervous. I'm here to make an announcement, but first I do want to say I moved here to Lawrence four years ago after living overseas for about 30 years. Often I thought in the last four years that I've wanted to say what a fantastic town Lawrence is. It is fitting that the Public Works celebration went on because I have bothered the Public Works Department several times in moving and getting ... I've always been treated so kindly and so helpfully. I want to thank you for that. Now, to the real business I came to. On June 1st, I'm having a rally for Bernie Sanders for president at the public library. Did I hear applause? Obviously, I would love to have you endorse him for president, and I know you can't. That would be a silly request. I want you to know and I want to go on record as

announcing it here. I have thousands of flyers that my good friend at Lawrence Sign Up printed and we'll be distributing. I'd like to leave as many as I can here. Thank you very much for having me. Having a great evening.

Mayor Farmer: Thank you, Mr. Pryor. Thank you. Is he going to be here?

Michael Pryor: You never know. There will be music. There will be speeches explaining why he needs to be our president. A little entertainment. The other thing I like about this town is you guys like praise, don't you? That's great. Thank you. Have a great evening.

Mayor Farmer: Chairman: All right. Thank you, sir. Any other general public comment?

Michael Pryor: I'd like to add one.

Mayor Farmer: Hold on a second. Let's let other folks talk. We got a lot of folks in the room tonight. I appreciate your comments, though. Any other general public comment? All right. Let's go ahead and move forward with the first item on the regular agenda, then if you'd please silence your cellphones tonight so that those that are up can receive the attention they deserve, as for the City Commission to receive a presentation by Justice Matters. I know that we've got a lot of folks here tonight speaking on behalf of that.

F. REGULAR AGENDA ITEMS:

1. Received presentation by Justice Matters.

Matthew Sturtevant: Good evening, Mayor Farmer. Good evening, Vice Mayor
Co-Chair, Justice Matters Soden. Good evening to all of the commissioners. My name is Matthew Sturtevant. It's good to see all of you again. I'll scoot a little closer. Thank you. I serve as the co-chair, one of the working groups for Justice Matters, the affordable housing working group, and I serve along with the Reverend Randy Weinkauff from Emmanuel Luther. This evening we wish to appear before you this evening to thank you for the work that we've already done together. Of course I begin with thanking Mayor Farmer and Vice Mayor Soden for attending our Nehemiah Action Assembly on May 7th. We understand that others were instructed not to attend for fear of violating the Kansas Open Meetings

Act and appreciate that concern, and hope in the future to make accommodations for the satisfaction of that law. Of course this evening we are grateful for the opportunity to share our thoughts with you about the issue of affordable housing. As described to Mayor Farmer, our hope is to say a few remarks, show a brief nine-minute video this evening regarding affordable housing in Lawrence and then give an opportunity to several of our allies. They will speak for two or three minutes speaking about this important issue. I'll include with a few important next steps. A few opening remarks. Our work began last year as we canvas trailer parks in the Edgewood Homes trying to understand part of what is going on in Lawrence. We held over 1,300 small group meetings across the city, across kitchen tables and in houses of worship. People were asked three thought-provoking questions. One, what keeps you up at night? Two, what would a just Lawrence look like? Three, what makes you angry? We took all of these different issues together and to focus on the three of the most frequently discussed items in that list of issues. Affordable housing was one of these, and so we conducted six months of research to find out what makes this an injustice in Lawrence. We began talking with folks and understanding what is important beyond the realities of what LINK provides and Habitat for Humanity and Family Promise. The video we show you tonight helps to show you that big picture, to help understand what affordable housing is about here in Lawrence. (*showed 9 minute video*) I'd like to invite four of our allies to come forward this evening to share from their own particular situations. First, Shannon Oury from the Lawrence-Douglas County Housing Authority; followed by Rebecca Buford, the Director of Tenants to Homeowners; followed by Lori Harse from Habitat for Humanity; and Brent Hoffman, Chair of the Board of Family Promise.

Shannon Oury:
Executive Director
Lawrence-Douglas County
Housing Authority

In a partnership between the city and 13 other agencies in town, the Housing Authority has operated a transitional housing program since 1998. The program is created and structured to provide housing stabilization for homeless households. We partner with 13 agencies such as Family Promise, Bert Nash, Catholic charities, the Willow, almost anybody in town. We will partner with anybody in town. We provide the housing assistance and the agencies bring the case management and self-sufficiency. This program is a 24-month limited program. When the families complete the

24-month period, if they successfully complete that period, they graduate to a regular Section 8 voucher that they can keep as long as they need. This program has been remarkably successful. In the past three years, households that we were able to graduate, we had 81 percent households transitioning to a permanent voucher. This program is funded through HOME funds, which the city gets from HUD and disburses the Community Development Advisory Committee, meets and allocates those funds, which you recently approved. The problem has been that, in 2011, we received; the Housing Authority received \$300,000 for this program. In that year, we added 21 families to the transitional housing program. Last year, we received \$200,000 from this program and we were able to add only 13 families to the program. In 2015, the next grant, we will receive \$174,000, which means we will add fewer, obviously, than 13 new families to this program. In the last two years, the program, the number of families that we've been able to assist with this program has been cut in half. There are currently 41 individuals on this waiting list. What that means for us at the Housing Authority is a situation like last week, when we had a family come in who was and is and has spent all winter camping at Clinton Lake, having their kids picked up at what used to be Judy's Junction to go to school, we say yes, we can help you, but it will probably be a couple of years before we can get to you on the list. We get them all the way through the program and our application and we put them on a list. Again, we are always this ... The funds are completely obligated in the first six months to the grant, so we almost never add anyone to this program between February and March and when we get the next grant in August or September. The monies are always 100 percent spent. We have a great program that this community built a long time ago. The problem is, is we're losing our funding for it. I just want to encourage the commission. I'm so excited that this conversation is happening, because it's unusual to have this high a success rate in homeless, for homeless families, and it's really difficult to be on the end where we have to say yes, we can help you, but it's going to be two years from now, three years from now when we can help you. I am very excited that we're having this conversation. Since I've been the Director, this is the first time we've had this conversation in public. I wanted to just let you know what we are doing and what we hope you'll work with us to at least fix this program and other programs for individual,

homeless individuals who need it.

Mayor Farmer:

Thank you, Shannon.

Rebecca Buford:
Tenants to Homeowners

Thank you, Shannon. Thanks for giving us the opportunity to share our thoughts on housing. My name is Rebecca Buford with Tenants to Homeowners, and we have developed over 400 units of housing in Lawrence. Our Board of Directors has elected to join Justice Matters and our fellow housing organizations to call for the creation of an affordable housing trust fund. We know the goal between the need and available resources is great. Consider our senior project, we are currently building 14 units, but had a 50-person interest list even before groundbreaking, and this list continues to grow. I don't think we can expect anyone else to bail us out. Kansas' trust fund only supports rural projects and we have witnessed a 66 percent reduction in federal funding over the last five years as Shannon pointed out. This means hundreds of thousands of dollars are no longer available to serve an ever growing demand. Although the city provides critical staff to receive federal funds, most of the affordable housing subsidies used in Lawrence come from federal allocations, not the city's general budget. We have heard why a community effort to increase affordable housing makes moral sense in our video, but it also provides an economic and social return on investment that cannot be ignored. There are over 700 state, county, and city-based housing trust funds across the country that prioritized affordable housing in their communities. According to a 2011 study, these funds leverage on average \$6.50 in external public and private funding for every \$1 allocated. Leveraging is the best and perhaps the only way to develop high-quality housing that, by its very nature, does not bring high rate of return from rents or sales. We are asking for that dollar to start thing. In the video, you saw a concrete example of how a local trust fund was utilized to convert an old church building into affordable housing. This is the way of the future for housing solutions. It won't be a single source like HUD, but several different funding streams, converging and leveraging others to make permanent affordable housing a reality. Again, consider our senior development as an example. This project brings together nonprofit funding, a land donation from the county, some city money, a federal home loan baked grant, state funds, a low interest loan from Truity, local

foundation donations, and more. Once TTH committed 400,000 we were able to pull together over 2 million to make the project a reality. Although federal money has decreased, there are still many sources of funding available, but they all require cooperative approaches and community skin in the game. We cannot go to these people and say our community isn't going to provide a dollar, but you should. Let's face it. A \$6.50 return on that \$1 of community investment sure beats today's savings rates. I had to throw that in. Plus the social return on providing stability for Lawrence families and the next generation becomes a staggering figure when we begin to look at the avoided cost of the social ills created by housing instability. For this reason, we urge you to listen to your community and support a housing trust fund. We urge you to attend our July 17th Housing Conference and ensure that it meets the Kansas Open Meetings Act so that you can join us to hear from experts and contribute to a local dialogue on housing solutions. Thank you so much.

Mayor Farmer:

Thanks, Rebecca.

Lori Harse:
Executive Director
Lawrence Habitat
For Humanity

I would also like to thank you for giving us the opportunity to share our thoughts on affordable housing in Lawrence. My name is Lori Harse. I'm the Executive Director for Lawrence Habitat for Humanity. Our Board of Directors has elected to join Justice Matters, the Douglas County Housing Authority, Tenants to Homeowners, and Family Promise to call for the creation of affordable housing trust fund. We believe that everyone deserves a safe, decent affordable place to live. Tonight, I'm going to share a brief story about hope and collaboration. I want to talk to you about Cameri Logan who grew up at Lawrence and graduated from Lawrence High School in 1993. She's been an employee at Hallmark for 18 years. Cameri began to seriously think about home ownership when her mother gave her a rocking chair as a young adult. Growing up in a large family in which her parents never owned a home, she set the goal that before she turn 40, somehow, someway that rocking chair would sit in a home that she owned. A number of years later Cameri went to the Douglas County Housing Authority and joined their move to work program and then went through their home ownership program. With the assistance from these programs she was able to get serious about her goal by establishing credit and saving. As a single mother of two, she completed those

programs and applied for a Habitat for Humanity Home. She put in 225 sweat equity hours building on her home and her neighbor's homes. She attended even more classes on homeownership. She saved a \$1,000 for closing costs and last year she and her daughters moved into their home and found a special place for that rocking chair. At the dedication of her home, Staff, from the Housing Authority, presented Cameri with a \$3,000 matching grant. Cameri took that money and invested it further in her home. She built a fence, added a railing to her front porch, and did some landscaping. Cameri has told us that her home represents stability for her and her daughters. I encourage you to consider the affordable housing trust fund because Lawrence is a city of hope and an affordable housing trust fund could pave the way for stories of hope, like Cameri's, to be repeated over and over again. Of the last 20 homes Lawrence Habitat for Humanity has built, approximately 40 percent are owned by individuals or families that were housed or assisted through the Douglas County Housing Authority. The proposed components of an affordable housing trust fund would promise that housing service providers would collaborate as stewards of the fund to identify the most pressing needs and the most creative solutions, and it builds in an accountability measure by ensuring that housing assisted recipients are on the board as well. On behalf of Lawrence Habitat for Humanity, I also encourage you to listen to our community and support of a housing trust fund. As a start, I hope you will attend the July 17th Housing Conference and have this conversation and hopefully, we can make it work with the Kansas Open Meetings Act as well. Thank you.

Mayor Farmer:

Thank you, Lori.

Brent Hoffman:
Family Promise
Board Member

Hello Mayor, Commissioners, my name is Brent Hoffman. I'd just like to agree with the four that have presented before me tonight. I spent time on the City's Homeless Issues Advisory Committee. I've been on the board of Family Promise for five years now. I'm here mainly to talk about the service knowledge that Family Promise has that goes well with the collaboration and everything before me that the presenters bring to the table. At Family Promise our mission is to get people housed quickly and to help them keep themselves housed permanently. We do this through intense case management, including on-going

close relationships with a focus on budgeting, evaluation of spending patterns and financial literacy training, just to name a very small amount of the case management and service that we provide for the people that are in the Family Promise program. When a person graduates from Family Promise, they tend to stay housed because they've done the hard work and they've done that themselves and they've earned the positive change that they're experiencing in their lives, going from sleeping in the Gazebo in South Park to moving into their own apartment, many times after just a couple of months in our program. A couple examples, a single mom named Jetoya who has a 4-year-old daughter. She became homeless when she fled an abusive relationship. Initially, she was couch-surfing at the homes of various friends, went to the Willow Domestic Violence Center and then found her way to Lawrence Family Promise. She was in the program for just over two months. In that time, she was able to find employment, save some money and moved into her own apartment without any further assistance from other area agencies. Two years later, she's still living in that apartment. Another example is Layla. She's a single mom of four kids. The oldest lives with her dad, but the three kids that she's raising are all aged 7 or younger. She lost her job during a medical leave that she took during the birth of her last child, which then caused her to become homeless. Layla and her kids were in our main programming for about nine weeks. In that time, she was able to finish her CNA and her CMA. She then went into our temporary housing program for six months where she was able to continue to save some money. Layla and her three kids are now housed through a transitional housing voucher with our local housing authority. These are just two quick stories. Family Promise of Lawrence was able to serve 30 families in 2014. As you heard in the video, Dana Ortiz, our Director, said that we had a total of 292 families that called and acquiring about our services last year. Joe Reitz founded the Lawrence chapter of Family Promise about six years ago and there're over 180 chapters of Family Promise throughout the country. Many don't really take a lot of public funding. I'm here just to say that if there was a more affordable housing inventory, Family Promise believes that we could help scale our services and therefore increase the efficiency, sustainability and overall success of an affordable housing trust fund. We're committed to helping design a solution to this problem that

includes much more than just financial support from Lawrence taxpayers. As a representative of the hundreds of volunteers that make up Family Promise of Lawrence, I just ask you to do everything you can to attend the meeting that's being held on July 17th of this year. Thank you very much for listening to all of us.

Mayor Farmer:

Thank you, Brent.

Matthew Sturtevant:
Co-Chair, Justice Matters

Hopefully this evening we've been able to show you the big picture of the importance of an affordable housing and trust fund. I would like to conclude by showing some of the public support that we have gathered over these last weeks. Then I ask if you would join us to discover the best practices and best solution by attending the Tenants to Homeowners' event on July 17th. As I mentioned, we had a great showing of support for affordable housing on May 7 at the Lied Center. Unfortunately, we knew that they wouldn't all fit in this space tonight, but we did ask a few of our supporters to join us for the presentation. If you are here tonight as a part of Justice Matters and a part of affordable housing construction and your support for it, would you please stand this evening. Thank you. Thank you for your support and thank you for the ways that you continue to support affordable housing here. Now learning about the KOMA restrictions, right before any of my assembly did not grant too much time, but we were able to print off some postcards so that many of the folks that were there at that event were able to submit their names in support of affordable housing. You are now receiving stacks of postcards tonight from that event. We separated them into five piles so everybody could take their own pile home and read through that very carefully this evening. Permit to read the statement that you have on your postcards that they signed at night. "I respectfully ask my city commissioners to make safe, affordable housing availability a priority for our city. Specifically, I urge them to attend the Tenants to Homeowners Housing Conference on July 17th, 2015. To work with Justice Matters to develop an affordable housing trust fund by January 2016 to initially eliminate the waiting list for those individuals and families in transition such as women fleeing domestic violence, children aging out of foster care, individuals in recovery from substance abuse and mental illness, etc... From our conversations with each of you, we know that this is an important issue for you as well. We know that

you each place a priority on listening and hearing your constituents. As Mayor Farmer reminded us on May 7th, we know that there is still work to be done. As our partners have each shared, July 17th is a big day and the reality that we hope to bring to Lawrence for the future of an affordable housing trust fund. As we discuss with each of you in different times, the goal of this conference will be to make these good ideas a reality here in this context here in Lawrence. At this event, we will hear from national experts on affordable housing trust funds, how to build one, how to set priorities for one, how to sustain one over time, but, most importantly, we will take the time for us to contextualize these best practices to here in Lawrence, to gather around with housing experts, some that we've heard from tonight, and do the work of collaboration together. We know that we are not Boulder, that we are not Boston, that we are not Bloomington. However, when we hear what some of these folks are doing, we know that we can bring together folks like yourselves, folks that know Lawrence, folks that love Lawrence and can bring some of those best practices here in our context and make this happen. July 17th from 9 to 4, we invite and anticipate your presence around the table for the conversation. Now, I know that Mayor Farmer and Vice Mayor Soden have agreed to be there as announced at the Nehemiah Action Assembly. We want to make sure that the rest of you can as well. We also know that Kansas Open Meeting law is a consideration. We ask you to please assign staff to accommodate whatever needs to happen to make sure that this event is not in violation of that act. I would ask Commissioner Herbert, as we've talked before, will you be able to attend and assign staff to ensure that the Kansas Open Meetings Act is followed accordingly?

Matthew Herbert:

Let me ask.

Toni Wheeler:
City Attorney

I think the best thing to do would be for me to have some conversations with the organizers of that meeting and see how accommodations can be made and I can provide a report back to the commission at a later date.

Matthew Sturtevant:
Co-Chair, Justice Matters

Okay. One of our hopes is to work with staff and to connect together to make it an open event and not a ticketed one so that everybody can be a part of that, assuming that this works out. Commissioner Herbert, will you be able to attend? Commissioner Amyx would be able to

attend. Commissioner Boley, will you be? Thank you. Thank you. With the right folks at the table we know that a sustainable affordable housing trust fund can be a reality. I thank you for your time this evening. I thank you for your important role and making Lawrence a safer and more hospitable place for those who need a place to go home. Thank you.

Mayor Farmer:

Thank you. All right. Do we have any public comment? I think we've heard you loud and clear certainly if not tonight definitely at the Lied Center assembly, but we've got to do this as part of our meeting. Is there any public comment that folks want to make? Otherwise, we'll chat as a commission about things that we've heard tonight. All right. Thank you all for being here so much. Don't leave yet. Hold on. It's pretty awesome. I think it's incredible. We have thoughts about what we've seen, just reflections? I feel like we need to, at least, because we're at a business meeting, not necessarily making any decisions, but I think we owe it to these folks tonight to give them some feedback about the good work that they've done and what we might be able to do to continue having this conversation about how this issue is a priority in our community. I just open it up to the commission to share some thoughts and reflections.

Commissioner Amyx:

I just want to say thanks for everybody that's been involved with this matter. Affordable housing is something that I've thought has been important to our community forever and ever and ever. One of the things that I think that, as a local elected official, one of my main concerns when it comes to housing for everyone is, I want to make sure that our job here is not creating an increase in all kinds of housing cost. Every time that we pass something, it has an effect on the price of a house. It has an effect on how people live. It doesn't matter if it's a new development code. It doesn't matter if it is new development schemes. It doesn't matter. We raise the prices. We have to understand that we have an effect on everything that goes on. We just do. This particular case, we have like myself, anytime we do something, I can complain bloody murder because we raise the price on everything that I have to pay to be able to live in my house. I complain about my tax. I complain about everything. I got 20 percent of the vote up here. That doesn't make it right at all. One of the things that I realize is that we have a lot of people who don't have the ability to

be able to get themselves out of situations that they're in, and I understand that and I hear it all the time. Really, it's time to help. One of the biggest things that I've taken from all of this is that the investment in leveraging. I think that that is something that obviously gets my attention very quickly. I look forward throughout the next several months learning more and more about how these things, the housing trust funds work and how they can establish ... how we can use public and private partnerships. I think that's the only way that this is really going to work. The city is not going to be in a position that we're going to be able to fund \$3 million a year and I think that we need to understand that. My words right up front, that's not a reality. If we have the ability to go to people in the private sector who have the ability to be able to help and being able to put together programs that we might be able to help, whereas we have been able to go out and do projects and help with projects that help people and new business ventures. That's no secret. It's on the front page of paper all the time. We get involved with those kinds of things. We try to help businesses with new business ideas. That's what we do. We try to create jobs for people, more and better paying jobs, as it helps them a lot. Really, as we look at this, one of the things that's important to say here is that we have the responsibility to the people who live in our community and I think that that's, in a lot of ways, what all of this is really about, is at the same time that we're helping the business, at the same time that we're helping others. Being able to advance businesses and help them in job creation, we need to be helping with people that are going to be doing the work and helping them have just a basic right to have a place to live. That's all I got. I look forward to seeing everybody on the 17th.

Mayor Farmer:

Any other thoughts?

Commissioner Herbert:

Yeah. I'll take it a little bit of a different direction. One of the things that I think is very impressive was what you've done tonight. A lot of people have come up to me and talk to me about issues unrelated to housing. It could have to do with anything, zoning, whatever the case might be. One of the comments I always make to them is, I really appreciate you talking to me, I appreciate you talking to me, but you got to show up on Tuesday, right? I've only been doing this for about a month now and we've had some meetings where we've got about 90 percent empty seats. We ask for

public comment and it gets real quiet. I say, "Okay, I'll bring it back to the commission." Then what do we do? We're talking to each other and we spend an entire City Commission meeting talking to each other. We could have done that in my living room. We couldn't. That's because of Kansas Open Meetings Act. To be clear, the thing that I think is neat about this, I got to tell you, bold step. I love it. When you told me you've got to show up on Tuesday night, this is what I mean. This is showing up on Tuesday night. I don't know what's going to come with this in a week or a year or 10 years or 100 years, I have no idea, but this is me giving you my silent standing ovation for what you've done here tonight, because this is what representative democracy is supposed to look like. It never looks like that at the local level. It just doesn't. I've been coming to City Commission meetings for a long time, long before I ever had any right to be here legally, I guess, and I've never seen it look like this. That's very commendable. I don't know a fancy formal of saying it other than to say way to go, very well done.

Mayor Farmer: Commissioner Boley?

Commissioner Boley: I'm going to hold this up to, Lawrence listens. I'm actually not going to have a chance to get back to everybody eventually on this, just because it's loaded. Besides marking my calendar for July 17th, my message to you tonight is, essentially, what I told you. If you want funding, you all have to convince three of us. If you want stable funding, you've got to convince the community. That's it.

Vice Mayor Soden: I'm certainly really excited. As the co-chair of the Lawrence Affordable Housing Coalition, I love seeing a giant room of people. It's just great. As we all know, any community can be fairly judged by how the most vulnerable people in that community are treated. Here are a lot of people saying, we need to treat the most vulnerable a little better than we are now. I think we, as a city, have an obligation to do that.

Mayor Farmer: Those are all great comments. Thank you to each of you. This is incredible. Thank you all again for showing up and for being here. This doesn't happen regularly where we get a room full of people that are excited and enthusiastic and jazzed, and the fact that you manage to do it on a Tuesday and Thursday. I wonder if you get the same on Church Night Wednesday, but I still think you guys might be able

to do it. It's incredibly impressive. To each of you that have been a part of meetings and a part of conversations, this is moving forward. I say that with complete confidence. I think it's very clear based upon the things that we've said tonight that you have our attention, and not that you have our attention, but that this issue has our attention. We've needed to pay attention to this issue for quite a long while and we've needed advocates. Commissioner Boley is exactly right. You can convince three of us to have funding, but to have consistent funding throughout the years, it takes a community conversation. You guys have started that and you guys are here to support that. You're to be commended. We're so grateful. I ran for City Commission so I could be a part of conversations like this. Having an affordable housing trust fund coupled with a group of people who want to come up with a plan to execute, to get a roof over people's heads, that's what this is all about. This is a perfect issue for why government exists and we need to be able to lead, follow, or get the heck out of the way. I want to reaffirm my support to you to do whatever we can to get that trust fund established. My hope is that transitional list can be eradicated far before 2019, because I'll be done in 2017, and so I'd really like to see that one through, unless the Kansas legislature keeps either extending or rescinding our terms, one of the two. We'll kind of see what happens there. Truly, thank you all for being here tonight. It's incredible and it's awesome and we're so darn proud of you for leading the charge on this issue. Ultimately, something is going to get down because of it. When that does, it's going to be your fault. We don't do this in a business meeting, but I feel the need that we all need to applaud you. Thank you so much. All right. You all are more than welcome to stick around. We still have some other business to conduct, but we'll give you a minute to ... Actually, let's take a five-minute break. That's a good call. Five minutes, we'll be back at 7:15 p.m.

The City Commission reconvened at 7:30 p.m.

2. **Consider approving rezoning, Z-15-00022, approximately 0.27 acres from CS-UC (Commercial Strip with Urban Conservation Overlay) District to CS-UC (Commercial Strip with Urban Conservation Overlay) District with modification to the zoning restriction to permit a bar use without a food sales requirement, located at 804 Pennsylvania St. Submitted by Flint Hills Holdings on behalf of Ohio Mortgage Investors LLC, property owner of record. Consider adopting on first reading, Ordinance No. 9101, to rezone (Z-15-00022) approximately 0.27 acres from CS-UC (Commercial Strip with Urban Conservation Overlay) District to CS-**

UC (Commercial Strip with Urban Conservation Overlay) District with modification to the zoning restriction to permit a bar use without a food sales requirement, located at 804 Pennsylvania St. (PC Item 4; approved 6-2 on 3/23/15).

- Scott McCullough:
Planning and Development
Services Director
- Mayor, before Mary could start here with the brief summary from last week, we'll just remind you that any ex parte communications you've had since last time we saw this, that you can declare, would be appreciated.
- Commissioner Boley:
- I talked with Mr. Krsnich on Friday morning on the phone and just talked about the history of the zoning and some other background information. Then I met with Tom Larkin this morning, talked to him for 20 minutes about the same kind of stuff, a little bit more about the application.
- Vice Mayor Soden:
- I think I got all the same emails that everyone else did, even though I got one from Joshua Holland. I think he blind CC'd everyone on this.
- Commissioner Amyx:
- I got it as well. I got it.
- Vice Mayor Soden:
- I talked to, in person, Josh Davis, Dave Lowenstein and KT Walsh on it.
- Mayor Farmer:
- I've had the same conversations as Commissioner Boley with Mr. Krsnich as well as Mr. Larkin.
- Commissioner Amyx:
- I had a personal conversation with Mr. Larkin and then I had multiple emails that I think you all got. I mean a lot.
- Commissioner Herbert:
- We don't have to individually disclose every one of these emails?
- Commissioner Amyx:
- No.
- Commissioner Herbert:
- It's going to save me a bunch of time. I got all the same emails that you guys did, personal communication. I've talked to Tony Krsnich on the phone one time since our last meeting. I have also talked with Dave Lowenstein, KT Walsh in person since the last meeting. That should be it, aside from just general 'thanks for the feedback' responses through email, to all of the emails that we receive.
- Scott McCullough:
Planning and Development
Services Director
- Through any of those communications, was there anything outside of the record that you need to share with the fellow Commissioners? Thank you for doing that.
- Commissioner Herbert:
- Do I need to disclose the conversation you and I had regarding the zoning? That you and I talked about the history of the zoning?

Scott McCullough:
Planning and Development
Services Director

No. Unless you have any questions about the platform.

Mary Miller, Planner, presented the staff report.

Commissioner Amyx: Mary, In going through the minutes, the Planning Commission minutes, make sure I understand this right, if this body is to approve this without the 55 percent and the SUP would be required, does a new special use permit have to be filed? Is that what I understood?

Mary Miller:
Planner

If you approve what the Planning Commission recommended, they would need to apply for a special use permit.

Commissioner Amyx: That process would begin after this, right?

Mary Miller:
Planner

Yes.

Commissioner Amyx: At that time, this body or the Planning Commission can make recommendation for any host of conditions to be placed on this, right?

Mary Miller:
Planner

Right. It would go to the Planning Commission for recommendation and come back to you for action.

Vice Mayor Soden: Is this property in a special incentive district? I know there are a CID nearby and an NRA. Does it cover this property at all?

Mary Miller, Planner: You probably ask the applicant. I don't believe it does, but they could tell you more accurately on that.

Mayor Farmer: We'll have you address that.

Commissioner Boley: Would a special use permit be applicant-specific?

Mary Miller, Planner: The special use permit travels with the property, so if the property receives a special use permit and they sold it, it could continue to be a bar. I think there is the option to rescind special use permits, if there are issues, that the conditions aren't met later on down the road. You can either have enforcement to make the conditions met or you could take other steps.

Mayor Farmer: Any questions for Mary? Thank you, Mary. I invite the applicant up. Tom, before you start, if you would address Vice Mayor's question that will be great.

Tom Larkin:
Applicant

It is not an incentive district. My name is Tom Larkin, the applicant, as was stated. Good evening. Thank you for your

time. Just to give you a summary of where we are. I know we've been over this issue a lot and I've had a chance to meet with a lot of you to discuss it. You've had a lot of correspondence yourself where I think everybody is fairly well informed on where this issue stands. I think the crux of our request to remove the 55 percent restriction comes down to one thing. Every operator/manager that we've approached, when we discuss with them the concept, we discuss with them where we stand, the restrictions as they are. We talk about how we like this to be a neighborhood-centric development. We'd like people to bring their dogs, people to bring their kids, somewhere where they can bring clients and colleagues to have a beverage or a meal, where they can jump over one of the neighboring 50 businesses in that block, can come over at lunch and grab something affordable and quick to eat. It invokes a lot of enthusiasm from these potential operators and managers. When we tell them about the 55 percent restriction, their first question is, "What happens if I get to 54 percent after year two?" We have to look at them and tell them what we'd be in default basically of our commitment. I'm not really sure what else to tell you. Immediately, I think, their enthusiasm and their excitement for that concept and for this building and for this neighborhood and all of the intangibles that come with this is lost, because it's asking them to take on a large financial risk and personal risk for something that's unknown. That's why I stand here before you to represent those potential operators and owners that are ready to take this jump, whether they're in the community or outside the community looking to move here. Their comments are all the same. If we can get this to where we can operate a sustainable business, without these restrictions, then we're ready to go and with that would come 3 permanent jobs. You saw all the letters of support from local businesses that are going to participate as partners in this. There's inevitable growth through them, all of the food trucks presently and those are yet to be in operation because a development like this is not yet in place, would only move to create more jobs and more interest and really start to grow on that sales tax revenue. That return on investment in that district, I think everybody, especially the Commission, to date, has invested around 3 million in that neighborhood would really like to see. I think there's a similar burden among food truck owners that their being asked at the end of the night to report their sales to this owner. It really boils down to allowing people to utilize their core competency to operate their businesses in an unrestricted way that allows them to come and go. That allows them to work off of each other and that dynamic that has made this onset so attractive. The food trucks and the food sales then drive the beverage sales and vice versa. Whether this is removed or not, I think that point of a concept is very much a key to the sustainability of this business model. The food trucks will always remain. That has been one of the most exciting things about where I think this development could

go. If the food truck restriction, 55 percent restriction is removed, I think, it will in turn encourage other vendors to participate, other food trucks. That will therefore drive more food sales. Then, again, there's no precedent here. There's no business that is similar within East Lawrence. There's few in the region and not many really in the area, so it's hard to tell somebody, an operator and a manager, to stay. The food trucks here, Lawrence has embraced it. The Food Truck Festival has seen great success, but then again, there're still a lot of question marks. I think removing this restriction will remove those questions mark and allow these businesses to really operate in an unrestricted environment. That's really the basis of this request. The 55 percent restriction was created in downtown in order to keep it from becoming a bar and entertainment district. I think the genesis of that idea is much founded. It makes a lot of sense. We fully support that. This being the first of its kind down there, really, I don't think that that should apply in this circumstance, because there's not anything that we're doing except restricting the first bar and bistro operation down in that area. Like I said, this will help to really build on the momentum that's down there, create jobs and really create something that the neighborhood can be proud of, because at the end of the day, if East Lawrence residents, if Poehler residents, if Cider Gallery tenants and other business owners down there, if they don't support this business, it's not going to sustain itself anyway regardless of the restrictions. We're just hoping to take that first step to make it happen. Thank you for your time.

Mayor Farmer:

Any questions for the applicant?

Vice Mayor Soden:

I got a couple questions for Scott.

Mayor Farmer:

Okay.

Vice Mayor Soden:

The 55 percent food sales, I thought that was just a technical definition of what is considered a bar, is it a majority of your sales is from liquor than you are considered a bar. That wasn't created because of downtown, was it?

Scott McCullough:
Planning and Development
Services Director

It's both how we make the distinction between bar and restaurant in the development code and is a code standard for the downtown district, the CD district. It's a requirement of the downtown district and this area of conditional zoning established back in about 2007, I believe. These are the two areas that have that standard associated with it.

Vice Mayor Soden:

What does happen at the end of year two, if they had 55 percent of their sales was [prompted 00:13:46]? If it wasn't 55 percent ...

Scott McCullough:
Planning and Development

If it wasn't 55 percent?

Services Director

Vice Mayor Soden: What would happen?

Scott McCullough:
Planning and Development
Services Director

We've had a few cases in the downtown area, where after monitoring it, it's a bit of a process to seek compliance with that standard and what's typical, because, in this case, they get two years to comply, so the recognitions that they're ramping up and they're getting more and more food sales generated by use and through their operations. Then at the end of two years if we find that they're not hitting that mark, then we'll have a discussion with them about what it takes to hit that mark. We may extend that. We start a compliance case and we put them on notice that they have to hit it within three months, let's say, and monitored closer with more increment. In the past, we've had restaurants/bars try to add menu items or add service, take on a lunch or take on a breakfast, for example, or just produce the sales ... I mean, somehow they have to come into compliance with that or is a compliance matter that we ultimately, if it's a special use permit, start to process to rescind the special use permit and start taking away the zoning entitlements that were granted.

Vice Mayor Soden: At the end of year two, they wouldn't have to put a close sign on their door?

Scott McCullough:
Planning and Development
Services Director

No. It's a bit of a process. It's not perfect science. It may fluctuate through certain weeks or months, worth of operations. What we're trying to get at is the impact of a pure bar versus a restaurant. They have different behavioral impacts for the property itself and for the community. Vice Mayor, if I could, on your question about whether it was an incentive district. You're probably recalling that between 2007 and 2012, it was in an NRA district.

Vice Mayor Soden: Thank you.

Scott McCullough:
Planning and Development
Services Director

There was one property within that district, the 720 East 9th Street, the industrial building east of Delaware that actually did get an NRA through that district and just processed and implemented it.

Vice Mayor Soden: The Cider Gallery, that's a CID, right?

Scott McCullough:
Planning and Development
Services Director

No, we didn't do any ... The Cider Gallery, I believe, got an NRA. That received an NRA specific to that parcel.

Vice Mayor Soden: Thank you.

Commissioner Herbert: I hate to put you on spot. Can you tell me the square footage of

the Cider Gallery and then the square footage of the building in question?

Tom Larkin: Yes. The Cider Gallery is just less than 15,000 square feet. That's two stories. This one is 1,300 square feet gross, but the operational square footage is closer to 800 or 900.

Commissioner Herbert: Thirteen hundred?

Tom Larkin: Yes.

Commissioner Herbert: Then operational, 8 or 9?

Tom Larkin: That's correct.

Commissioner Herbert: I guess my second question would be, in terms of properties that your company holds in that neighborhood, what is the rough value of those properties and then the rough value that you see on the bistro itself?

Tom Larkin: You are putting me on the spot. Let's see, rough value ...

Commissioner Herbert: If you could say the alphabet backwards.

Tom Larkin: The rough value would be somewhere in the neighborhood of... in the 15 million to \$20 million range and the value of this property would be, after the improvements are done, somewhere in the \$300,000 range.

Commissioner Herbert: Okay, Thank you.

Mike Amyx: Tom, on the property, you have outdoor patio, you have other serving area; how much square footage is that?

Tom Larkin: The square footage on the patio is just less than 1,500 square feet, just slightly larger than the interior.

Mike Amyx: Is there any other serving area outside? Just that?

Tom Larkin: In terms of beverages?

Mike Amyx: Yeah.

Tom Larkin: No, there's not. It's all internal. That would be where the food trucks would sell. Part of that 1,500 is designated as food truck space. Without that, you'd be in the 1,200 to 1,300 square foot range. Those would include utility hookups for these trucks so that they can operate in a slightly quieter environment.

Commissioner Herbert: I'm correct that Cider Gallery currently holds a liquor license, correct?

Tom Larkin: That's correct. Catering license, yes, which would, in turn, include a liquor license?

Vice Mayor Soden: I have another question. I think it's for Scott, though. I'm not sure it can be for you. Is there anything that restricts a food truck from operating at the location now?

Scott McCullough:
Planning and Development
Services Director

No. We did a code amendment last year and site plan that would accommodate a permanent food truck or food trucks at this property. One of the code amendments was with site planning. We actually have an approved site plan for this property on file. They could pull a permit today if they chose to meet the 55 percent rule and convert it to the restaurant use with food trucks. The special use permit, which would be a process if this zoning condition gets revised, would utilize presumably the same site plan and would just be a matter of the use question, and then with conditions. They could put food trucks there today.

Tom Larkin: Technically, if I can jump in there, we would have to improve the site to the current approved site plan in order for them to stay beyond three hours and more than two trucks.

Scott McCullough:
Planning and Development
Services Director

Correct.

Tom Larkin: It would have to abide by any other vacant lot effectively, assuming those vacant lots are approved improve service.

Mayor Farmer: Any questions for staff or Mr. Larkin? Tom thanks. We'll take some public comments. I know we got a lot of you speaking tonight. We don't have a shot clock, but please try to keep your comments as brief as possible so everybody can have a turn to chat.

Jacqueline Putman:
Manager, Poehler Loft
Apartments

Hi. My name is Jacqueline Putman. I manage the Poehler Loft Apartment and the new 9 Del Loft Apartments that are going up and we're opening next month. I just wanted to quickly speak for the residents there. I know they have signed support of letters for the bistro bar, but wanted to come really quickly in support of it. Several of the current members, current residents that are currently living at Poehler and then the new residents moving in the summer, and of course the residents moving into 9 Del loft next month are very excited about the bistro bar opening and see it as a great asset to the community. That's it.

Mayor Farmer: Thanks, Ms. Putnam. Other public comment?

Jason Prier: Thank you, Mayor and Commissioners. My name is Jason Prier.

I lived at 4000 Trail Road and I just opened my law office at 832 Pennsylvania, which is just down the street. I'd like to offer my support of the rezoning. I opened my office in that area primarily on the promise of what this neighborhood could become. One of the things that certainly we're all keenly aware of in that area is that there really are very few options in terms of dining and cocktail after work or anything like that. I think that it ought to be afforded a chance. With the discussion that operators are not willing to take the risk of not being in compliance, I think the commission should really consider giving them that chance. A special use permit could certainly be conditional, you can impose the conditions that you see fit, but they need to be afforded a chance. That I'll leave you. Thank you very much.

Mayor Farmer:

Thank you, Mr. Prier. Other public comments?

Richard Draskovich:

Hello, Commissioner and Mayor, and Vice Mayor. I'm Richard Draskovich, part owner of Drasko's Food Truck. First off, I'd like to thank all the community for our May 2nd Food Fest, which we were probably the most favorite truck down there. I thank you so whole-heartedly for supporting us. I support this. I am a new small business owner. It's opening my eyes of paperwork that I have to do now with what we're doing. It seems to me if this isn't changed, it wouldn't be worth my time, my son and I to bring the truck down here. We're committed to go down there at least one day a week and hopefully a lot more, if we can go down there and do it in a reasonable way that we can provide the food to the community. I think it's a great idea to help the small businesses in there. Talking to some of the other food trucks at the Kansas Food Truck Fest, many from Kansas City, when they were told about this idea, were really interested in coming up here and doing this, if provisions could be changed. They operate in Kansas City, Missouri, where they do have, I think, some laws, are pretty strict or they're looking into it, but I truly support dropping the 55 percent. Thank you.

Mayor Farmer:

Thank you, Mr. Draskovich. Other public comment? Good evening.

Dayna Carleton:

My name is Dayna Carleton. I live at 937 Connecticut. I'm an East Lawrence resident for the last 15 years. I moved back after living there a long time ago. Just simply, I just don't really want to live in an entertainment district. That's what I'm hearing, is that we're going to be ... When Tom was talking, it was understandable that you would have it downtown because you don't want it to just be a bar and entertainment district, but I don't want my neighborhood to be a bar and entertainment district either. A restaurant sounds wonderful. I really like that idea, but it's really important to us that we not lose our homes and that we not just become a party place. Thank you.

Mayor Farmer:

Thank you, Ms. Carlton. Other public comment?

KT Walsh:

Hello again, Mayor and Commissioners. My name is KT Walsh. The East Lawrence Neighborhood Association sent you a letter that we are hoping that you will hold them to the 55-45 rule. In 2007, Scott brought it up. We negotiated the 55-45 for our neighborhood when we're working with Bo Harris on this big development down there that then went to Mr. Krsnich. We did this because we do not want to become an entertainment district. It's very rare; there are a few outliers who do not want this to happen. Everyone is looking forward to being able to get some food and have a cocktail or a beer in the neighborhood, but it needs to be fair. It is a neighborhood where people live and are raising their kid's downtown as our entertainment district. We're requiring the 45-55 downtown. We're requiring it of the new restaurant out at 6th and Wakarusa. It seems only fair that they would have to adhere to it. They also got an extra year to adhere to it. When Commissioner Schumm was here, he said, actually, it will be three years, because that's the reality of how long it takes. That's how long the city is willing to work with you to try and get your sales receipts up. I was at the meeting, I heard it. I have notes. They have a long time to get up to the 55-45. It's not like they'll be booted. Let's see. The only other thing I wanted to say is there are food trucks everywhere all around the world and it surprises me that people are bringing in precedents about how this is being handled in other communities. Surely, there're other communities where food trucks are in neighborhoods, but people don't want Aggieville, they don't want a rowdy sports bar. They just want a family bar. I would assume that this has been settled elsewhere. Perhaps someone can bring an example. Thank you.

Mayor Farmer:

Thank you, Ms. Walsh. Other public comment?

Scott Fedele:

My name is Scott Fedele. I own a small building on the opposite end of Pennsylvania Street in which I operate a small design and construction, and I also live about three blocks from this, as the crow flies, directly across the river. I certainly have concerns like other neighbors would have about the noise and setting of precedent, but as somebody who's helped developed five or six different restaurants on Mass Street and as somebody who's been involved with business planning on a restaurant, I think that the hardship due to the size of this justifies giving them the exception. If this were a 5,000 square foot building on Pennsylvania, I think we would all be opposed to letting it be a bar only, because it would create an entertainment district or a large loud venue. Something of the size of the Bourgeois Pig that has a less restrictive food requirement, I don't think it carries that same impact that a big entertainment venue would have in a detrimental sense to neighborhood values. Thanks.

Mayor Farmer: Thank you, Mr. Fedele.

Gotfred Beardshear: I am Gotfred Beardshear. I live at 842 New York. It's a block away from the proposed business changes. I'm a homeowner. Flint Hill should not be granted the zoning exception for a drinking establishment at 8th and Pennsylvania. If the owners of the property can't find an operator for this property who can make this business following the same rules as anyone else opening a new establishment of this kind in the city, then the owners need to come up with a new business model, as simple as that.

Mayor Farmer: Thank you, Mr. Beardshear. Other public comment?

Bruce Eggers: Hi. My name is Bruce Eggers. I'm not a small business owner, but I'm a small business customer. My wife and I are rehabbing a house at 904 Pennsylvania. I would expect to be a frequent customer at this establishment. It sounds great. I don't have this fear of anything that would possibly go wrong. I know that the suburbs now, my kids, when they were in junior high, the police would come at 8:00 on Halloween because there's too many of them in the backyard talking too much. The issues of noise and all that, I think there's plenty of ways to address that. It sounds like a really nice place to spend some time in the way it's been presented. I am not concerned about it at all. I think it would be great. I'd love to go there and have an enjoyable time with friends and family and whoever else is around. I'm in favor of letting this proceed with the least interference possible. That's all I have.

Mayor Farmer: Thank you, Mr. Eggers. Other public comment?

Josh Davis: Hello, Commissioners. My name is Josh Davis. I'm on the East Lawrence Neighborhood Association board that I'm just speaking on my own. I haven't spoken with anybody else. I'm just representing myself and my wife and my family in East Lawrence. I want to start by saying we own two houses at East Lawrence. We've been there for 15 years and both houses were, especially the first one, was about to be torn down and we worked our way slowly. All my pictures of my kids have construction in the background. It's just the way they were raised and what we did. Those were our commitments and what we did to help get this place to this level. We do not have the same financial commitment. Commissioner Herbert was asking what their gross value was. We can't compare to that, but we've been dedicated. We've been there long time and I think that's worth something also. I was amongst the five on the vote. We were eight, five. I was on the five that thought we could work something out and one of those crazy people think that we can find common ground amongst those people that think it can work and the operators think they can work. I can see all that. I

like drinks, I like food, I like my neighborhood, I will go there and I will have a drink and I will have food. It could be with 55-45. It could be with something else. I don't stand here as against all development, anyway. The area is at a really tricky spot. We got a new commission and it's a really hairy spot. We've got the commission. We've got developers. We've got the art center. Everybody is trying to define what this is. Boy, it's kind of a key vote right here. I want to make sure it's clear that I was in the compromise-as-possible vote, but if it goes up or down, I'm officially in the down vote with the majority of my neighbors because of that tricky spot we're in. I don't want to set that precedent. My family and I were invested, we have been. We're not against the development. We're not against all the stuff happening there. It seems most of the folks that have spoken in favor of, I don't know if anyone had been there more than two years, and I think they have valid points and they're investing their money and they have every right to come here and ask and have this vision. I had this vision for what the neighborhood would be when I moved in 15 years ago and I feel like I've actually helped get it to this point. I am gentrifying East Lawrence. I'm from Johnson County. I moved here. I was a construction worker. My wife was teaching day care. We've both put ourselves through school. I'm now an engineering and she's now a teacher at central, but we're doing it at that slow, methodical, thoughtful pace that we enjoy and what we enjoy about the neighborhood. Thanks.

Mayor Farmer:

Thank you, Mr. Davis. Other public comment?

Michael Almon:

Good evening, Mayor Farmer and Commissioners. My name is Michael Almon, speaking for myself here tonight. I think it would be very unwise and unfair for you to grant this rezoning given the situation as has been presented. The rationale that Mr. Larkin presented tonight as why this would be a hardship if it wasn't rezoned is that his business plan wouldn't work. He has a lot of potential operators there. We've run numbers on this. They're very excited. When they see the numbers and the code, I say sorry, it won't work. To me, that says it's not a good business plan, if they understand business and they see how that might play out. It's possible that this business plan could work in a different building or a different location. East Lawrence people generally do feel like maybe having a bar somewhere over there would be a good idea. It's possible. Just to say that a developer has a piece of capital investment they like to exploit on their investment, that return on their investment, maximize the return, and to do that they want to be able to operate unrestricted, I don't think so. We have a development code which by definition is a list of restrictions that everybody has agreed to, which provides a playing field so everybody can get a certain amount of what works for them as a compromise in the middle ground. To say that one person should be able to

operate in this regard unrestricted simply because they have a poor business plan, that's poor planning, poor planning for the city as well as the business, poor planning for the neighborhood. I would like to bring up the site plan as supposedly has been approved and point out this property is, how many square feet? The building we're talking about was 9,000 square feet?

Scott McCullough:
Planning and Development
Services Director

Just over a thousand.

Michael Almon:

Thirteen-nine net? There's another existing building right there that is in somewhat of a state of disrepair the same as that building. There's another partial building there, three brick walls and no roof missing the front wall, not part of this site, but owned by the same developer as part of the Cider Gallery. I don't know why all three of these buildings couldn't be combined to create a double footprint. Here are all three of those buildings for adaptive reuse. There's no reason why they can't make this property work if they want to make use of the existing buildings there. If they can't do that because the buildings are not repairable, then, once again, this probably isn't the right location for this business under this business plan. The final point. If there's good to ban for people in the neighborhood, and I think there is, for a nice place to go for a drink after work and get a bit of lunch, this is a walkable neighborhood. This is one of the better walkable neighborhoods in Lawrence. Five blocks to the West, plenty of restaurants and bars. What's wrong with walking in a walkable neighborhood to get your drink or your lunch? I think they're not being very creative. They're just trying to exploit their existing situation and not consider any other options. I don't think the City of Lawrence has the duty to provide their specific personal options as opposed to what will work for the neighborhood at large. Thank you very much.

Mayor Farmer:

Thank you Mr. Almon. Other public comment?

Jackie Counts:

Good evening, Commissioners. My name is Jackie Counts and I'm also going to be living at 904 Pennsylvania. I came here tonight for two reasons, because I support community. I came here to support Justice Matters and I also came here to support the rezoning of the bistro area, because I also think it's another way to develop community. I also have a lot of faith in neighborhood and also people who would frequent the establishment to be able to conduct themselves in a way that would not be a burden on the neighborhood. We also bought the property that's next door to Charlie's, which I've heard is going to be reopening at some time. What we've been told by the neighborhood is that it's a very accepted part of the community neighborhood and that people like going in there. Thank you very much for listening

Mayor Farmer: Thank you, Ms. Counts.

Commissioner Herbert: Can I ask her a question?

Mayor Farmer: Sure. Go for it. Ms. Counts, Commissioner Herbert has ...

Commissioner Herbert: Actually it's not for Ms. Counts. It's regarding your comments though. We've been having a little discussion up here. Charlie's east side located at ...

Scott McCullough: 900 Pennsylvania.

Commissioner Herbert: Thank you. Does that currently 55 ... I realize it's not currently open, but when it was open, did it have the 55-45?

Scott McCullough:
Planning and Development
Services Director No. As I understand it, and you're now putting me on the spot, Commissioner, we're happy to get you some information about that, but as I understand it, it has a cereal malt beverage license, not a full liquor license. Probably as I understand it, it's a grandfathered property.

Commissioner Herbert: It's kind of like a Bullwinkle's then.

Scott McCullough:
Planning and Development
Services Director Yeah, but I'd have to double check this information for you. I just haven't studied that property very, very recently.

Commissioner Herbert: That's a good answer, I haven't studied.

Scott McCullough:
Planning and Development
Services Director Very small. Yeah, I haven't studied it on site recently, but it is a very small fixture in the neighborhood there.

KT Walsh: I just want to say yes, it was grandfathered in. It's only 3-2 bar and he serves lots of food, great Mexican food, and he'll be back from his hip surgery.

Mayor Farmer:
Scott McCullough:
Planning and Development
Services Director Thanks, KT.
Which does not have the 55 percent rule on it.

Commissioner Herbert: Okay.

Timothy Morland: Hello. My name is Timothy Morland. I live at 737 Connecticut Street, which is considered East Lawrence, or avenue down here. I thought I'd come up here because I want to say that I want to support this idea of the bar. What I really like about it was maybe it was something people don't like about it is I appreciate the applicant's honesty. It says, look, I want to open

this business. People want to go to the bar. It sounds very complicated, I can understand that, how to incorporate the food truck being 55 percent food of it. It says I want to open a bar and I think the neighborhood, the people like to use the term becoming, is it going to become this, become that. I think we can use the term that it can accommodate this. I feel that the way things are going that this bar can be accommodated and accepted and be a good part of the neighborhood that can add a lot of value to people's lives. I may never go there, to be honest. I don't spend a lot of time in bars, but I want to say that I support it still. Thank you.

Mayor Farmer:

Thanks, Mr. Morland. Other public comment?

Phil Collison:

Hi. I'm Phil Collison, and I'm going to wing it, so look out because I might get ... Usually, I have prepared statements. Charlie is 3-2 bar. They also close at midnight. I find it ironic in this situation that even the people who are supportive of dropping the 55 percent rule want to go there for lunch and want to go there for dinner. Everybody wants to have food and that's from the East Lawrence neighborhood we want them to have food, too, and I think that ought to be brought out. I actually wrote the letter from the East Lawrence Neighborhood Association, and that is the official East Lawrence position. I'm speaking for myself, but I heard something tonight that makes me think that another reason that I would put in that letter and asked to be passed by the board, and that is, I always thought the special use permit was tied to the owner of the establishment rather than the property. If that special use permit is put in place, then that goes with the property and so it sells to the next person, and it exists there too. If everybody wants them to serve food and we say, "Yeah, go ahead and serve food, but we won't hold you to anything. In fact we'll even drop the requirement that you have to serve food that you need to serve food as a part of being open." It sells to the next person. That next person may not have that same commitment to wanting to serve food. Then even in this situation, the developer or the owner of the bar can just say, my commitment isn't as strong to food and the food can just go away because it's not making any money and it's a distraction. I think that it's really important to have a food requirement for this bar and it would be a spot-zoning situation. I'm worried also about the precedents that are going to be set by this, because I believe that there are ... This area is about ready to pop with the potential to be an entertainment district. The next person down there is going to look at this and say, they got it, why can't I. Those are my thoughts. Thank you very much for the opportunity.

Mayor Farmer:

Thank you, Mr. Collison. Other public comment?

Scott McCullough:

Mayor, this might get to the crux of the issue, because we're

Planning and Development Services Director framing this issue as an either or. It's either all food or no food and it's the potential for a bar. The reason we propose a special use permit is because we can actually negotiate that issue out and create a framework where whoever operates it, this is where it runs with the land versus the license holder, has to meet whatever criteria, whatever condition we require for this property. The beauty of the special use permit is that it doesn't have to be all or nothing. It can be a combination of the two or some compromise of middle ground that satisfies the neighborhood's desire for food and the applicant's issue of it's just too high of a hurdle at 55 percent. I just wanted to say that. The SUP runs with the land. The liquor license, as I understand it, runs with the person, with the company.

Commissioner Boley: Who issues the liquor license?

Scott McCullough: Planning and Development Services Director It's through the state. The city has a role in that as well. Ultimately ...

Commissioner Boley: What is that role?

Scott McCullough: Planning and Development Services Director I think City Atty. Randy Larkin can address the process for that.

Randy Larkin: Senior City Attorney It's a two-tiered licensing situation. The state will license the entity. The city will also issue a drinking establishment license on top of that. They both run concurrently.

Commissioner Boley: What's the process for removing the drinking establishment license?

Randy Larkin: There would have to be some type of action, either an injunction to court. Sometimes for them to hold the city drinking establishment license. They also have to have a state as a prerequisite. If the state pulls their license or there's some type of hearing for the ABC and they pull that licensing, then we would revoke the local license.

Commissioner Boley: Action by the state, we can't revoke the license?

Randy Larkin: No, we could. If they're violating the city ordinance or operating outside the parameters of the city code, either the property is not allowing that particular use or if there's other issues that becomes a nuisance or there's safety hazards, we can revoke the local drinking establishment license.

Commissioner Boley: Thank you.

Mayor Farmer: We'll continue with the public comment.

Commissioner Herbert: Mayor, can I ask a question to Mr. Larkin?

Mayor Farmer: Sure. Absolutely.

Commissioner Herbert: Mr. Larkin, again, I'm putting you on the spot. Do you happen to know what the fire marshal's capacity is for the Cider Gallery?

Tom Larkin: For the Cider Gallery?

Commissioner Herbert: Yeah. In other words, what I'm getting at here is, on any given Friday night, what could the Cider Gallery hold?

Tom Larkin: I believe the capacity is right around 300, just over 300. We typically have weddings in the neighborhood of 250 people. A lot of them utilize the courtyard as well, as part of their space. When they rent the space that comes as a package deal. The occupancy on the bistro on the agenda this evening is 44 inside.

Commissioner Herbert: You read my next question. Thank you.

Mayor Farmer: Other questions of staff, Mr. Larkin?

Commissioner Amyx: Going back to the SUP, my original question, and you were heading this way just a minute ago. We would have the right to be able to negotiate if we wanted the percentage of food sales. We could still require food on the side under an SUP, correct?

Scott McCullough:
Planning and Development
Services Director: That's correct. It could come in different forms. It could be a percentage. It could be a requirement to have food there at certain hours of operation and in various ways.

Commissioner Amyx: We could require hours of operation?

Scott McCullough:
Planning and Development
Services Director: The goal of the SUP is to look at those issues, impacts to the neighborhood and adjacent properties and then mitigated through conditions, whether it's amplified music, hours of operation, food sales, that type of thing.

Commissioner Amyx: If the place didn't exist and everything, it's already been approved there and an application were to come in on this site right now, on this particular building, and an application be made for this bistro, would the food requirement exist? Would it be an absolute?

Scott McCullough:
Planning and Development
Services Director: Under the current ordinance, yes. They get two years to satisfy the food sales requirement.

Commissioner Amyx: For it not to have the food requirement, what kind of application would have to be made?

Scott McCullough:
Planning and Development
Services Director

The request before you is to revise the zoning condition to lift or revise the two-year 55 percent food requirement. The recommendation we made and the Planning Commission says we don't want to delete the requirement and allow a permitted bar unrestricted, which is allowed everywhere that CS zoning exist, except this district. They say we do want to regulate it within the context and the neighborhood that demand some regulation, some review. That's the recommendation for the special use permit. As a zoning condition. That just accommodates a future SUP application that can go through. Right now, they don't have any ability to submit a special use permit application for this use, with the zoning that exists today.

Commissioner Amyx:

Can someone come there at that location and ask for a bar?

Scott McCullough:
Planning and Development
Services Director

No.

Commissioner Amyx:
Scott McCullough:
Planning and Development
Services Director

They cannot?
They cannot, not with the zoning.

Commissioner Amyx:

It's not an allowed use at all.

Scott McCullough:
Planning and Development
Services Director

Only with the 55 percent sales is it allowed.

Commissioner Amyx:

That's it?

Vice Mayor Soden:

Accessory Bar.

Commissioner Amyx:

Right. Then the thing that we have, that's why you're recommending that we retain the 55 percent food sales, but then establish the adding a bar without the 55 percent, but have the SUP?

Scott McCullough:
Planning and Development
Services Director

Right, which gives us the ability to do conditions.

Commissioner Amyx:

That we would have the ability to put any condition, reasonable condition ...

Scott McCullough:
Planning and Development
Services Director

Any reasonable land use condition, yes.

Commissioner Amyx:

Go back to something I think Mr. Larkin was saying about that

site plan. They can have food trucks now, I think was the statement that was made, but there would have to be improvements made to the site?

Scott McCullough:
Planning and Development
Services Director

They have to actually improve the parking and the building and create the patio. The food trucks are part of the overall site plan to accommodate the bar use, the restaurant bar use today, so yes.

Commissioner Amyx:

If we were to say remove the 55 percent, does improvements wouldn't have to be made?

Scott McCullough:
Planning and Development
Services Director

No. They still would have to be made.

Commissioner Amyx:

I just want to make sure that was right.

Mayor Farmer:

Other questions of staff? Of Mr. Larkin? (None) Okay, back to the commission.

Vice Mayor Soden:

Zoning stays with the land. Everyone wants food; we should keep the food requirement. Removing the 55 percent just makes it technically labeled a bar, as I understand it. To me, that kind of use is more appropriate for downtown, which was pointed out, is just a few blocks away. Downtown accommodates those more. I want to call them nuisance uses, but uses that have more issues with parking, noise and even policing. Downtown is a more appropriate place for that, which is a few blocks away. I don't support removing it.

Commissioner Herbert:

I've gone back and forth on this so many times in the last, I don't know, couple of weeks, I guess. The great irony of it is thinking about this issue and how I want to vote tonight. I've lost sleep, which I realize this is one of the arguments people are making they're afraid of, right? To me, here's the issue. I'm wondering how much of this opposition we're seeing is the opposition to this specific space or to the idea, in general. Here's why I ask that question. I do apologize for putting you on the spot. I'm glad you were able to have answers. I probably should have asked you these questions at a time, but you dealt with it well. Cider Gallery is a stone's throw away from the proposed bistro. We're talking 1,500 square feet, just more than 10 times the size of the proposed bistro. We're talking about a place that can hold a capacity of more than six times the proposed bistro. We're talking about a place that currently has a liquor license, as with the proposed bistro. We're talking about a place in Cider Gallery where Flint Hills Holdings has approximately 15 million to \$20 million investment, which is approximately 60 times the value of the proposed bistro. I guess when I look at it I look at it a couple different ways. I look at it first as a neighbor, second as from the perspective of somebody who has worked on developing

property before. The first thing I think is the neighbors. Everyone wants to keep noise out of their neighborhood. Everyone wants to avoid these distractions. The time I've lived in Lawrence, I've lived next door to a strip club, and I currently live next door to Henry T's. I'm familiar with the concept of people drinking in your side yard. What I see with the bistro here is that the Cider Gallery is already there. We're not debating whether or not Cider Gallery should exist. A lot of the conversations that are being had right now, I feel like should have been had before the Cider Gallery ever open. If you want to talk about the dangers of noise in a neighborhood, we need to look at 1,500 square feet. If you want to talk about the dangers of noise in a neighborhood, you look at a place that has 300 capacity and a liquor license. Yet, that's been there. Now we have before us a proposal for 1,300 square feet, 800 of which is operational, a \$300,000 property with 44 people in it. When I look at it from the perspective of a property developer, I ask myself, if I had a \$20 million investment, am I going to legitimately risk it for a \$300,000 investment. If you're willing to risk your \$20 million investment for a \$300,000 investment, you are quite possibly the worst businessman I've ever met. I truly believe from a development standpoint there is no way that Flint Hills Holdings is going to allow this property to become ... I don't want to talk negatively about any bars that exist in our town, but I'll just say insert terrible Lawrence bar, your name, right? I don't see that happen, because you risk a \$20 million investment for the cost of 300,000. The next thing I see as a city commissioner is again, I went back and forth, and I'm a huge believer, you might not find a bigger believer in the concept of representative democracy than me. The only exception to that might be Dave Corliss. First meeting I have with Dave Corliss, he told me how he thought representative democracy was the greatest thing the world has ever seen. Next to him, I might be the biggest advocate. Here's just a simple transparency for you. I've received 21 emails over the course of the last six days. Of those, 18 were for it and 3 were against. When I see that and I look at the fact that I'm city commissioner and 30 minutes ago I applauded Justice Matters for bringing in a small army of people to represent their issue, I look at my email inbox and see a small army of people representing their issue, and it's not even close. It's 18 to 3. I don't think you make every decision based on who's the loudest, by any means, but 18 to 3 is a noticeable volume different. I appreciate everyone who came and spoke, for and against, in particular, the owner of Drasko's. I think you offer a very interesting perspective. Again, I've gone back and forth so many times. I'll be honest with you. When I first heard about this notion. I talked to Tony Krsnich on the phone and one of the things he said to me was we're going to bring three permanent jobs. He meant that as a positive thing. I heard the number 3 and I was like, "Really? That's going to be your sales pitch? You're bringing three jobs?" Then I look at Drasko's and I think

about how many jobs is he actually bringing, because without the bistro there ... Do you park your food truck there?

Tom Larkin: We do at some special events at Cider Gallery.

Commissioner Herbert: Do you park there more with the bistro?

Tom Larkin: Yes, definitely.

Commissioner Herbert: I look at it from that perspective of I think ... I hate to critique your sales pitch to us, but I think you're selling yourself short at the creation of three jobs, because I see a massive blossoming food truck, which by the way I know nothing about and would know nothing about had it not been for the food truck festival, and I saw what that did in the community and I saw how much people loved it, and it was awesome. I'm a big advocate of keeping Lawrence a really neat place. I absolutely hear the neighbors' concerns. Like I said, I grew up in Lawrence living next to a strip club. I hear the neighbors' concerns, but when I think about what this bistro is going to do, it's not the same experience I had growing up next to a strip club. That's not what this is going to be. Maybe you caught on the right night, but I'm inclined to support it.

Vice Mayor Soden: I do want to mention as a former resident of the Poehler Building with a window that overlooks Cider Gallery, there always were, in the two years I live there, plenty of complaints about Cider Gallery and the events there and the drinking, and I still here about noise from the food trucks, no offense to you. I do hear about that on a constant basis. I just want to point that out.

Mayor Farmer: Other thoughts?

Commissioner Boley: It's a tough one. I'm in favor of the 55 percent, 45 percent requirement. I can understand the applicant's situation. I think the middle path that has been provided by the recommendation from the commission is an interesting one. I am very much interested in the neighborhood being livable for those who have chosen to be there for a long time. That's a very important part of Lawrence. I'm inclined to move to the rezoning with SUP.

Commissioner Amyx: Retaining the 55 percent or negotiate the 55 percent?

Commissioner Boley: We'd go with the SUP and try to work something out that would work for folks in the neighborhood and for the folks who are trying to do some business over there. I think that's what the Planning Commission was trying to steer us towards.

Scott McCullough:
Planning and Development
Services Director Correct. You don't have any set of conditions in front of you yet. That all happens with the special use permit.

Commissioner Boley: Exactly. Right.

Commissioner Amyx: The item before us tonight is to approve the change which would allow the use with the SUP and that the individual application then has to come back before us that's going to have a list of all the conditions that would be required the Planning Commission and of this body, correct?

Scott McCullough:
Planning and Development
Services Director
Correct.

Commissioner Boley: I'm concerned about the success of ownership. I hope you guys are here for a long time, but through what we plan now are going to be there for a while.

Scott McCullough:
Planning and Development
Services Director
Commissioners, you may find an SUP application that you can't support.

Commissioner Boley: Right. That's true.

Scott McCullough:
Planning and Development
Services Director
It may be that they don't have a special use permit application that's supportable. They've got a fallback position of meeting the 55 percent rule. We're not trying to take that away from them. It's an option to this operator or any potential operator down the road. That's a discretionary process to the City Commission that you need to approve.

Commissioner Boley: Can you explain again how that would work?

Scott McCullough:
Planning and Development
Services Director
If you pass the zoning request as written in this ordinance, then the owner would make a special use permit request to us, the staff would work with the owner to come up with ... staff would recommend the conditions to the Planning Commission. We would have a public hearing notice to the neighborhood, those within 200 feet specifically, plus the neighborhood association. We would encourage the applicant to have a neighborhood meeting like we do in all of our application. The Planning Commission would hear from the neighbors, would hear from the proponents, opponents, and the applicant and staff, and would make a recommendation to you on whether to support, approve it with conditions, or approve it as the application, present it, and then it would come to you with all of your typical options for approval, denial, approval with conditions or send it back to the Planning Commission.

Commissioner Boley: Is denial 4-1?

Scott McCullough:
Planning and Development
Services Director
It depends on what the Planning Commission's recommendation would be. If the commission recommends denial, then you can align with theirs on a 3 to 2 vote, and there are some options there. Essentially, at the end of the day, you've got the

discretion to approve or deny the special use permit.

Commissioner Amyx: Mayor? Would we have the opportunity to add additional requirements or conditions to that SUP without sending it back?

Scott McCullough:
Planning and Development
Services Director Mayor Amyx, it always depends on the condition. Commissioner Amyx, I apologize. Commissioner Amyx, that depends on the condition, whether we're tweaking something or whether it's a significant change that demands to go back to the Planning Commission.

Commissioner Boley: We could send it back with direction?

Scott McCullough:
Planning and Development
Services Director Yes. Ultimately you have that ability to change conditions.

Commissioner Amyx: Because I don't mind moving to the SUP route as long as we retain some suitable form of the food requirement. I would be interested in the hours of operation and discussions that way, and I just want everybody to know that going into the deal.

Commissioner Boley: I guess I'd be a little concerned if they were selling drinks and not having the food truck for four or five hours. I think that's what you're getting to, right?

Scott McCullough:
Planning and Development
Services Director Sure. It may be that we have a condition that creates the opportunity to buy food, but not the requirement to sell a certain amount of food. Again, there're different options we have there.

Commissioner Amyx:
Scott McCullough:
Planning and Development
Services Director Or because of the specialness of the request, the closing time. Right. We're going to have to take a hard look at that. We understand some of the concerns of the neighborhoods. We understand some of the operational challenges that Tom's group is going through. It will be interesting exercise to see if we could align some of those things.

Commissioner Amyx: As long as we all know going in, some of the things, at least for myself, where I'm thinking.

Scott McCullough:
Planning and Development
Services Director Sure. That's very helpful.

Commissioner Amyx: I want everybody to know that.

Scott McCullough:
Planning and Development
Services Director That's very helpful.

Commissioner Amyx: I think the advocate needs to know that.

Commissioner Boley: What about Jeremy? You want to say something?

Mayor Farmer: I don't have a whole lot to add. It's a tough one. It sounds like the will of the commission is to send it back down to the Planning Commission with... or approve it with SUP modification to go back to the Planning Commission and then to come back to us. It sounds like that's what, I don't know ...

Vice Mayor Soden: It's not my role. I'm one person.

Commissioner Amyx: The item before us is to adopt on first reading, the Ordinance 9101. Then at that point, the applicant must make application to the SUP. At that point, the conditions are placed on that particular use. The direction of this body and of the Planning Commission, correct?

Scott McCullough:
Planning and Development
Services Director Correct.

Commissioner Amyx: Plus the ones that you would have.

Mayor Farmer: What does this do with the current status where they have two years of compliance?

Scott McCullough:
Planning and Development
Services Director About a year ago or whenever we revised the original condition, was for compliance within one year with the 55 percent, then we change it to two years and we didn't see an action by the ... They did a site plan, but they didn't implement that option for them. They still have to make an action, take an action to submit the SUP application. We run through that process. The status is, it's sitting there, we've got a permit ready to issue, but we don't have an owner wanting to act on what they have entitled today. They're in here trying to revise that entitlement to open up the looser bar use. If they get to the end of the SUP process and get that approval, they can pull their building permit, improve the site, and improve the parking. It's a duplex today, so it's nowhere close to what it needs to be for the bar use or the bar restaurant use. They need to make all those improvements and then get their occupancy permit and open up for business, under the conditions of the SUP if that's the route we go.

Mayor Farmer: What I'm saying, even if we just do nothing with this, or if they choose not ... If we don't pass this or send it back down and they don't offer up the ability to do it, or they don't want to do another SUP, they can still go through the process and have two years?

Scott McCullough:
Planning and Development Correct. That's how it stands today. That's the sitting ordinance and zoning technique.

Services Director

Mayor Farmer: At what point adopting 9101 negate that?

Scott McCullough:
Planning and Development
Services Director The way we have written it, it won't negate it, because we've written it as an option. The way the language reads is, if you open 9101 and look at section 2, it includes a list of uses excluded from the zoning district. Bar, lounge, night club or other licensed premises is excluded, unless they do 55 percent gross receipts within two years or unless it's approved as a special use permit without the 55 percent requirement.

Mayor Farmer: Got you. What do we want to do friends?

Commissioner Amyx: When you were saying send it back, did you mean send it back to the Planning Commission?

Mayor Farmer: I'm having a hard time figuring out where everybody is at. If we rezone this, then we are rezoning it to permit a bar use without a food sales requirement. Then we can engage an SUP once it comes back up to the process, if they so choose to apply.

Commissioner Boley: It's a neither or. It's either they comply with the 55 percent or they get a special use permit. That's what the ordinance says, right? They can choose what they want to do, comply with the SUP or comply with the 55 percent.

Vice Mayor Soden: The 55 percent means it's an accessory bar, right?

Scott McCullough:
Planning and Development
Services Director No. It would be a bar that would have to derive 55 percent sales from food, which technically, by code definition, is more of a restaurant, because that's the intent of that condition, is to make it more of a restaurant than a bar, because we think that mitigates of certain impacts that a pure bar with no food creates for the neighborhood.

Commissioner Amyx: They could apply for the special use permit and take the conditions as put forth by the governing body and the Planning Commission.

Scott McCullough:
Planning and Development
Services Director Correct.

Mayor Farmer: I would entertain a motion either way.

Vice Mayor Soden: I can move to deny removing the 55 percent.

Mayor Farmer: To deny the rezoning?

Vice Mayor Soden: Right, to deny the rezoning, to remove the 55 percent.

Mayor Farmer: All right. Motion on the table to deny the rezoning. Is there a second? Do we have to have her take that motion off the table or does it fail for just not having a second?

Toni Wheeler:
City Attorney It fails not having a second.

Mayor Farmer: Is the consensus then to adopt on first reading Ordinance No. 9101?

Commissioner Amyx: One last question, Mayor. Again, we do not have to add any additional language into 9101 if it is our intent to come up with extra conditions or conditions. It's understood that special use permit will have conditions on it, right?

Scott McCullough:
Planning and Development
Services Director That is correct. That's understood.

Commissioner Boley: Do we need to provide directions to what those ...

Scott McCullough:
Planning and Development
Services Director Not yet. That will come with special use permit process.

Moved by Commissioner Amyx seconded by Commissioner Boley, to approve rezoning (Z-15-00022) approximately 0.27 acres from CS-UC (Commercial Strip with Urban Conservation Overlay) District to CS-UC (Commercial Strip with Urban Conservation Overlay) District with modification to the zoning restriction to permit a bar use without a food sales requirement, located at 804 Pennsylvania St. Adopted on first reading, Ordinance No. 9101.
Aye: Amyx, Boley, Farmer and Herbert. Nay: Soden.

3. **DEFERRED- Considered applicant appeal in accordance with 20-308(g) of the Land Development Code of the Historic Resources Commission's denial of the demolition application for the structure located at 620 E 8th Street. The Historic Resources Commission determined that as proposed, the demolition application does not meet the intent of the Design Guidelines 8th and Penn Neighborhood Redevelopment Zone for the 8th and Pennsylvania Urban Conservation Overlay District.**

4. **Received presentation and considered adopting Resolution No. 7120, adopting the coordinated 2015 Intelligent Transportation Systems Architecture Plan.**

Jessica Mortinger, Transportation Planner, introduced the item.

Matt Weatherford, Iteris Inc., presented the report.

Mayor Farmer: Any questions?

Vice Mayor Soden: Thank you. I love the timed lights.

Jessica Mortinger:
Transportation Planner

Many of these projects are included in all the departments that were involved in the process, whether that was emergency management or Public Works or IT in rolling out fiber, that it's really a way to coordinate all of these issues that are happening. We make sure when we deploy them that they work together.

Mayor Farmer:

Excellent.

Commissioner Amyx:

Great stuff.

Mayor Farmer:

I'm excited about how we're working with emergency management, we're working with KU, we're working with the county, and we're working with the dispatch. There's all this synergy with places that we do work with anyway. It's really neat to see all this come together and integrate on the premise of technology. It's fascinating stuff.

Commissioner Boley:

Can you briefly discuss how this can reduce the need for infrastructure?

Matt Weatherford:
Iteris Inc.

In the broader sense, the more vehicles you can get through in intersection, with the more you can change travel patterns so that people are traveling when it's most efficient, so less lanes you need. That's the broad goal. In the shorter goal, when we talk about having more signals connected and being able to do more coordination, we're going to get more traffic flow, so you're going to need fewer lanes. For transit, if we do the timed light on those, we make transit more efficient; make it a more attractive alternative; and get more people using transit, less people on the road. There're a lot of incremental things of that nature. You're really looking at, you don't want to spend as much on ITS as you spend on building a road. Otherwise, you're doing it wrong.

Commissioner Boley:

Thank you.

Commissioner Amyx:

How can I use this to look at Clinton Parkway in Lawrence Avenue's life

Matt Weatherford:
Iteris Inc.

I'm sorry. Look at what?

Commissioner Amyx:

I wouldn't be able to use this ... I spend most of my life there.

Matt Weatherford:
Iteris Inc.

I don't know. Are there cameras on Clinton Parkway? There aren't yet. With the right technology you can have those camera images available anywhere, if you so choose. There're other issues involved there. One thing we didn't get too heavily into in this project and something you want to consider in the

future, and we talked about it on the plan, is the idea of connected vehicles, automated vehicles, intelligent vehicles that will communicate with signals and with other vehicles. The architecture is almost caught up at that point, but doesn't yet. We couldn't incorporate yet, but in a couple of years it's going to become a reality.

Jessica Mortinger:
Transportation Planner

This architecture provides a national standard for a lot of this technology and it also is something that's federally required that the Metropolitan Planning Organization have to be eligible for funding and projects that include ITS. When Chuck wants to go apply for money for construction and wants to add technology to it, KDOT is going to ask is it consistent with the plan before they will allocate more resources to it.

Vice Mayor Soden:

If we were to adopt this plan, is there a financial commitment we're committing to? What are we committing to?

Matt Weatherford:
Iteris Inc

No. What we put in this plan is your wish list. There's no financial commitment to any of the projects in it. We want to make sure that what you want to do is in the plans, so when you do want the money, you go and ask for it. They say, is it in your plan. You can say yes, right there. None of the projects, the 18 projects have funding earmarked for them, except for the already ongoing expansion of the fiber optics and the addition of some new controllers and cameras as part of that.

Jessica Mortinger:
Transportation Planner

The plan also does a really good job of providing a framework to amend the plan. There's a process that the MPO would pursue with the management team, which is our presentation from all of the stakeholder organizations that would allow everyone to have the opportunity to apply to amend something in the plan. Then there's a process that it goes through to be able to amend the architecture of the plan, whether that be with some in-house capability later to do that or future consulting services to manage the technical architecture.

Commissioner Boley:

Thank you.

Moved by Vice Mayor Soden, seconded by Commissioner Herbert, to adopt Resolution No. 7120, adopting the coordinated 2015 Intelligent Transportation Systems Architecture Plan. Motion carried unanimously.

5. DEFERRED - Received presentation from staff on the Comprehensive Annual Financial Report.

6. City Manager recruitment discussion.

Mayor Farmer:

Last item on the agenda is city manager recruitment discussion. I guess with Dave's departure imminent now within the coming days, I thought it would be good for us to have a

public conversation about what we wanted this to look like and for us to direct staff to begin to get moving on the recruitment of a new city manager. We've had time to think about this and have conversations about it. I just want to open up the floor for some discussion and we go from there.

Commissioner Boley: What about public comment?

Mayor Farmer: You want to do it now?

Commissioner Boley: I don't know.

Mayor Farmer: Are you here for the city manager recruitment discussion?

Joe Harkin: Yeah.

Mayor Farmer: Mr. Harkin, the floor is all yours.

Joe Harkin: I did not come with the intention of speaking, assuming that there would be a roomful of people interested in this subject, but we want the opportunity to present to you tonight. I think they didn't get the memo, because I'm shocked that I'm here alone. I certainly wouldn't want you to make an assumption that because the room is empty that there isn't an extraordinary level of interest in this subject in this community. You cannot go any place and have a conversation about the city today without the subject coming up about who is going to be the next city manager. I would encourage you to make this a high priority. I would only suggest, and that's my only suggestion tonight, that you go home and read the newspaper article that quote David extensively today, I think, and look for clues from your departing city manager as to how this job might be modified so that the person in that position can be made more effective. There are two points in that article that deserve special attention. One was the comments regarding how one, in the city manager's position, confronts potential decisions by the commission that he finds unacceptable. There were only vague comments, it was an illusion too, but not any direct comment about the most recent fiasco that we all know that I have some interest in. The city manager of this city has to have the courage and has to have a track record of having demonstrated courage in previous positions that take a position with compassion and argue against things that you might want to do in the future. You have to create a culture, in my opinion, that encourages him or her to do just that. Otherwise, there is going to constantly be the potential of getting ourselves back into a situation where the public's trust is damaged again or completely lost. I would encourage you to make that a high priority in your selection process. Again, I could only say, demonstrated past behaviors that can convince you that that person has that ability, that courage to confront you if they feel

is necessary. The second thing was in an article which I think is extraordinarily important, because we see examples of it continuously here, is that the city's planning process is about land use. It's not about strategic planning. You don't have a strategic plan. You have a process to react to other people's plans for the future of the city and then you argue them out of context with each other. That's not a good way to run a business, and no well-run business operates that way. I would encourage you to look for someone who has experience in developing strategic plans that give policy guidance to you in the future and not keep you in a position of continually reacting to things that come off somebody else's agenda, out of context and out of order with their true public priorities. I think you have a chance. As you know, I did not prepare remarks. I'm listening to myself. This is not a backhanded criticism of the previous city manager or the current city manager. That's not the point. These are points that he's brought up that I am encouraging you to listen carefully to as a form of advice going forward. Thank you.

Mayor Farmer:

Mr. Harkin, thank you as always for your great comments. I just want to throw out some things that I've already said. That is, I think directing staff to have some national search that we would engage a consultant with. They bring back some recommendations. I've spoken with several of you as to how I think we need to have a committee of people that includes a wide array of folks from the community, from KU, the school district, the county, from Haskell, but mostly for city staff because they're the folks that has to work with this person every day. Not just city staff from the fourth floor, but city staff that picks up trash and repairs water line, so not just department heads. Having two commissioners serve on it, my recommendation, we can just toss it out for discussion, but would be to have Commissioner Amyx lead the city commissioners, the representatives of the City Commission, and then Vice Mayor Soden serve on that as well. I can't think of a better person who's been through this and done this before than you. You called him mayor earlier and I call him mayor all the time. I think that would be my recommendation, is that we have a group of folks, we put it together, we'd be thoughtful of who those people are. We include city staff. I've heard from a lot of city staff members that really want to be included in this process, and that Commissioner Amyx would represent us along with Vice Mayor Soden to move forward with that process. That's what I would throw out for conversation.

Vice Mayor Soden:

I don't have an issue with that. I think that's great. I'm totally on board with that. Definitely, one of the things that I've been mulling over in my head when I think about it is we have these City Commission priorities and goals that we're setting up with affordable housing and mental health and all of that. Is that

more of a strategic plan that we are talking about? I don't know. What concerns me is that we may get a city manager that may come in and decide that affordable housing is not a core city function or whatever, and therefore would create actually obstacles for us along the way. That's my only real fear that I have for who we pick without having a slate of people in front of me. I want to make sure that doesn't happen. I'm hoping that if we have a strategic plan that would prevent that from happening. It's my one idea. Your two points, I wrote them down. They're great. Thank you

Commissioner Amyx

Mayor, thank you for your trust. I've been thinking about this the last few days and I look forward to the challenge. I want you to know. I appreciate the trust that you've instilled with me along with the vice mayor. I'm looking forward to working with her and working with all members of the commission. Done a little bit of background work on some of the responsibilities that I think that ought to happen. You hit on both of them. One is whether or not we're going to have a search committee and, two, if we're going to hire a search firm. Are we going to be looking at a national or regional application, pool of applicants, how far should we go? It's a coast to coast search I assume. I think some of the things required by the committee include job description and mission, vision statements, general understanding of what this job is. Then we've got to be able to communicate that to the search firm that we engage. I think that there are a number of good ones and visible as city manager, I think, Dave Corliss, and some of the firms that already exist. I think some of them probably referred to from my CMA and anyone else. I think that we need to have a contract with them and the requirements that we would expect from that search firm and that it's all done on a very professional level. Joe, I appreciate your comments. I couldn't have said those obviously better myself, but that is exactly the kind of individual I'm looking for, someone who's going to challenge us, not allow us to go down a path, know that we can't get there, or at least understand the pitfalls that come along with going down that path. I want somebody to argue with me. That's fine. I'm a big boy. I can take this. I think that we should all be able to take this. This person is going to have the vision of this community. That's the kind of person that we want, somebody who's going to come in, who's going to lead 750, 800 employees that we have today, a number of departments that we have, everything from emergency services down to any position that we have at city hall. That person is the heart and soul of this community and the expectations we've placed on that job are so high. It's pretty incredible. We need to make sure that we find exactly that right person that can lead us into the future. I think it is that important. This is going to be one of the top five most influential people in this community and that person speaks a number of things are expected to happen, and generally do happen. We

need to make sure that we take that right person, somebody that's going to be able to come in and Mayor, I've heard you say this, somebody that's going to be take in this perceived divide that we may have in the community and be able to bring that back together, be able to work and bring that back together. That's so important this day. As I said, thank you. I look forward to it.

Commissioner Herbert:

Mr. Harkin, I want to thank you for sitting there. You sat there patiently for the better part of about four hours to get your statement in. I'm glad you'd got the opportunity to speak tonight, because I sat there watching you and we had a full room and then people started trickling out the door and there you sat and there you sat, and then quite literally, the room emptied and there you sat. I just want you to know, echoing what's been said that your words were heard tonight, and I agree with you. My comment would be, I would advocate for a nationwide search. I understand that's going to be more expensive posting a classified in the paper, right? This is somebody who's going to be here for a very long time. This is somebody who we need to have ... We need to have the greatest pool of applicants that we can, because we're asking somebody to effectively devote their life to our community. I can't tell you, the emails I got from Dave Corliss; you look at the time stamp on them these weren't coming 8am to 5pm. I'm sure he was paid for an eight-hour workday, but the reality was probably more like 16. We need to find somebody who's going to devote their life effectively to this community and we ought to look as far as we can see, and then even farther than that. I would advocate that we go nationwide with our search, which is going to obviously require us bringing in more resources than we have in our room right now.

Commissioner Amyx:

What time frame you want all of this to start and hopefully have a candidate here?

Mayor Farmer:

I wouldn't even begin to know how fast that process happens. I think the first step would be to engage a search firm and to direct staff to come back. I really want to hear what you have to say, Stuart, but to engage a search firm to come back and that when we do that, we would get our ideas for who might be on a committee that would maybe meet with the search firm and kind of representative democracy as you talk about frequently. We'd be able to talk about qualities that we want and the city manager. Get our input as well. Maybe provide an opportunity that Megan leave on Lawrence Listens to get feedback from the community on what qualities they would like in a city manager, and encourage folks like Mr. Harkin to continue to give great input. I don't know how long this takes. I think a search firm would be able to tell us, but I really don't know. As far as when this is back on the agenda with a recommended

search firm, a week, two weeks, three weeks, I don't know.

Toni Wheeler:
City Attorney

I think the commission should have a discussion about our purchasing policy and whether we want to solicit proposals to make it known to the search firms that are out there that we have an interest in procuring these services. I don't think it'd be very hard for us to put together a proposal and then give the firms in the United States or in the country an opportunity to respond. I think that might be that ... Although it will slow things down a little bit, you want to make sure you get a very high quality search firm to assist us in these endeavors.

Mayor Farmer:

Sure. Thank you. Some thoughts?

Commissioner Boley:

I concur with what's been said for the most part. I applaud your selections from the commission and I hope that you all will represent us. I also am interested in how we avail ourselves of our local expertise at the KU Public Administration School. I think that's an important resource for us to consider as we attempt to learn about how this process works. I'm really interested in what we can learn from those folks up there.

Mayor Farmer:

How does an RFP process sound?

Commissioner Amyx:

That's fine.

Mayor Farmer:

That does not need to come back to the commission; you guys can just do that, right? Should it come back to the commission?

Toni Wheeler:
City Attorney

We can start the process and we would have the contract for the firm that we recommend on for the City Commission's approval to make sure that you agree that the firm meets the requirements and has the credentials that you are all seeking. We would have hopefully about that time a contract in good shape for you to review those provisions. I'm just talking with Brandon. I think we could have that process within three weeks if we really pushed ourselves to get that done.

Mayor Farmer:

Is that a good time frame?

Vice Mayor Soden:

Mm-hmm. It's not something you want to rush.

Mayor Farmer:

Right. The commission okay with Commissioner Amyx leading us?

Commissioner Amyx:

I thought you meant with the RFP.

Mayor Farmer:

Very good. Is that enough direction?

Toni Wheeler:
City Attorney

Yes, that's helpful.

Mayor Farmer: Now, in the meantime, to get to your point, Mike, on mission, vision statements, job description, will a search firm help us get that stuff ironed out or do we need to do some pretty work on that?

Toni Wheeler:
City Attorney They will have the expertise to help us develop one. Obviously they're going to need input from the commissioners and from staff about how to best convey the city in brochures and other marketing materials. I believe there is an existing job description for the city manager. Almost every position in the city has a job description. We'd get that out, review that with human resources and review that with the search firm that is selected and make sure that it is up to date and current and covers everything.

Mayor Farmer: That pamphlet that you gave us, can that get sent? Maybe we can start giving some input.

Toni Wheeler:
City Attorney Yes, we did engage a search firm for the last city manager search and there was a brochure prepared and it was prepared by that firm. We can circulate that or send that out and ask you to provide comments and feedback on that brochure. That may expedite things as well.

Mayor Farmer: Is that okay with everybody?

Commissioner Amyx: That's fine

Joe Harkin: You're on a critical issue and I didn't mention it in my comments, because like I said, I didn't come intending to speak, but on this, I think you have to approach this in a way that your mindset is you're going out into the marketplace to compete, to try to get the best you can get. You got to sell yourself. You got to sell the city to somebody. You don't want to just get somebody who's job hopping to try and improve their career. You want a pro that sees this as a long-term commitment to a community. In order to win that person's confidence, you have to be able to tell your story about where you've been; where you don't want to leave that up to them nor do you want to leave a couple pages of buzzwords up to a firm will take off the shelf about mission and vision statements. That will put good candidates to sleep. You'll need to engage them with a story about ... That sounds kind of the end of it, the third part of the story, the future sounds like we're committed to improving housing. That's one of our goals. You need to make that decision before you start recruiting. You need to make a commitment and a decision that "yes" we're going to build a new police facility. That's one of the things we want you to be prepared to do. Am I making a point? In other words you don't want to look disorganized and befuddled to them nor do you

want a search firm telling them what you want. You have to make that first step yourselves. When you don't have a strategic plan, and vice mayor, you raised a point, a concern, about this issue. I think you have that step you have to take so that your search committee and the interviewers have a context within which to evaluate the candidates, which ones are best qualified to help us get these goals accomplished, in addition to creating new goals for the future. You've got enough on your plate today for several years work and more money than you can probably raise. There's plenty to do, but it has to be clear to the new candidates where you want them to go. That's a large part. They're going to be evaluating us and interviewing you as much more than the other way around, a good one.

Mayor Farmer: Thank you, Mr. Harkin.

Vice Mayor Soden: Thank you for articulating that way better than I did. Thank you.

Commissioner Boley: How do we follow up on that strategic stuff, in 3 weeks? That's a challenge, if that's our timetable.

Commissioner Amyx: We need to have this ready to go. Leslie, you and I probably need to meet in the next couple of days, meet with staff and set a direction and get this back on the agenda so the five of us can discuss this.

Vice Mayor Soden: Yeah, we have our study session that we're going to talk further about our City Commission goals and priorities and I think even just having those discussions before would be good.

Commissioner Amyx: Is that alright? Add that as part of the study session.

Mayor Farmer: Fine with me.

Commissioner Amyx: 2 weeks and then we can have it on the agenda in 3. Is that fair?

Mayor Farmer: Okay.

Commissioner Amyx: Stuart, is that okay.

Commissioner Boley: Yes sir.

Toni Wheeler:
City Attorney: Excuse me, could you repeat that?

Commissioner Amyx: Have the discussion about the strategic plan, maybe forward all the information that we have to date, we have it as part of our study session in two weeks and then immediately following that, we can have the RFP stuff back on in three.

Mayor Farmer: But they should proceed with the RFP

Commissioner Amyx: Absolutely.

Mayor Farmer: Okay. Anything else on this, or are we good to go?

Vice Mayor Soden: I'm really looking forward to it. Thank you for putting me on it.

Commissioner Amyx: Thanks Mayor.

Mayor Farmer: You guys are going to do a great job and I'm looking forward to your input and you guys are just the right two people to make it happen. I'm excited. Thought about putting Matt on it because he's not going to have anything to do this summer with school being out.

Commissioner Herbert: I'm already bored are you kidding me.

G. FUTURE AGENDA ITEMS:

Toni Wheeler, City Attorney, outlined potential future agenda items.

H: COMMISSION ITEMS:

Mayor Farmer: We've got more stuff being added all the time to the work plan just continue to avail yourself to those. Any specific Commission items that need to be brought up or discussed tonight? (None)

I: CALENDAR:

Diane Stoddard, Interim City Manager, reviewed calendar items

J: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Commissioner Amyx, seconded by Vice Mayor Soden, to adjourn at 9:13 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON SEPTEMBER 22, 2015.


Diane M. Bucia, Acting City Clerk

