



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

August 4, 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. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Proclaim the month of August, 2015 as The Farm Fresh Challenge.

B. CONSENT AGENDA

It was moved by Commissioner Boley, seconded by Commissioner Herbert, to approve the consent agenda as below. Motion carried unanimously.

1. Approve the City Commission meeting minutes from 05/05/15 and 05/12/15.
2. Receive minutes from various boards and commissions:

Mental Health Board meeting of 06/26/15
Parks & Recreation Advisory Board meeting of 07/14/15
Planning Commission Meeting of 06/22/15
3. Approve claims to 185 vendors in the amount of \$2,527,875.15.
4. Approve licenses as recommended by the City Clerk's Office.

Drinking Establishment

Expiration

Salty Iguana Salty Iguana Restaurants of Kansas Inc. 4931 W. 6 th St. Suite 100	July 31, 2015
Mexquisito Grupo 5 De Mayo LLC 712 Massachusetts St.	August 14, 2015
Fatso's Milk Truck Productions LLC 1016 Massachusetts St.	August 15, 2015
Ramen Bowls	August 20, 2015



Ramen Bowls LLC
125 E 10th St.

5. Bid and purchase items:
 - a) Award the bid for Bid No.1538 - Project No. UT1418 - Kaw Water Treatment Plant Motor Control Center Replacement, to the low bidder P1 Group, Inc., in the amount of \$366,700 and authorize the Interim City Manager to execute the construction contract; and, authorize the Interim City Manager to execute Supplemental Agreement No.1, in the amount of \$65,000, to the Engineering Services Agreement with Black & Veatch for Construction Phase Engineering Services for Project No. UT1418 - Kaw Water Treatment Plant Motor Control Center Replacement.
 - b) Authorize the Interim City Manager to execute Change Order No. 2 to the existing construction contract with Banks Construction, LLC for Project No. UT1419, 8th Street Waterline Replacement, Indiana Street to Kentucky Street, increasing the contract amount by \$21,250.
6. Adopt on second and final reading, Ordinance No. 9132, establishing No Parking or Standing along both sides of Timberedge Road, from Lakeview Drive, North 1,235 feet.
7. Approve a Text Amendment, TA-15-00253, to the Land Development Code, Chapter 20, Article 12 of the Code of The City of Lawrence, KS to reference 2015 effective dates for new Floodplain Overlay District Maps and related regulation changes. Adopt on first reading, Ordinance No. 9143, for at Text Amendment (TA-15-00253) to the Land Development Code, Chapter 20, Article 12 of the Code of The City of Lawrence, KS to reference 2015 effective dates for new Floodplain Overlay District Maps and related regulation changes. (PC Item 8A; approved 6-0 on 7/22/15)
8. **REMOVED FROM THE CONSENT AGENDA FOR SEPARTE DISCUSSION.** Authorize the Interim City Manager to sign a Cost-Sharing Agreement with HERE Kansas, LLC for Project No. PW1417 - Reconstruction of Mississippi Street and 11th Street.
9. Approve a request from the Sister Cities Advisory Board for \$2,500 to support a Friendship Garden in Eutin, Germany, for the 2016 State Garden Show.
10. Authorize the Mayor to sign the Release of Mortgage for Stanley M. and Cathy A. Weil, 1706 Vermont Street.

Consent Agenda Item 8, removed for separate discussion regarding cost-Sharing Agreement with HERE Kansas, LLC for the reconstruction of Mississippi Street and 11th Street.

Michael Almon: Item 8 has to do with the apartment complex HERE Kansas at 11th and Mississippi Street between Mississippi and Indiana and the relationship with HERE and the City apparently has changed somewhat as a result of the deterioration of pavement on Mississippi and 11th Street because of the construction activity and so this new agreement has been drafted to have a 50/50 share between the City and HERE for reconstruction of Mississippi and 11th Street. A little background, when the project was initially approved, the City Engineer proposed that the parking along Mississippi Street and I think Indiana,

be “back in/head out, angle parking,” as opposed to the standard “nose in, angel parking.” This is being done in dozens of cities around the country because it’s much safer. It’s safer for the motorist, it’s safer for pedestrians, it’s safer for bicyclist, and mostly this is because of visibility. When a car is backed into an angled spot, they are facing in the direction of traffic flow, so they pull into traffic flow forward, rather than backing into traffic flow blindly. Similarly, people who are unloading their cars are not unloading in the traffic lane, they’re unloading to the curb, to the sidewalk and the open doors also guide children to the sidewalk rather than into traffic. It’s safer for lots of reasons, but one of the main reasons that it’s being considered is for the safety of bicyclist. One of the main causes of collisions between automobiles and bicyclist are people backing on an angled parking lot, parking space, into traffic. They can’t see, first of all, motor vehicles and sometimes big trucks can’t see a bicyclist so that’s the main motivation, but it’s safer for all kinds of reasons, as I pointed out. At that time, back when this was approved, HERE Kansas objected to the “back in/head out” parking. I don’t recall why, I didn’t make that meeting because the engineer, David Cronin, was presenting and I figured, I mean I know the man knows his stuff, he’s good at design and he’s done the research, but his recommendation wasn’t taken by the Commission. I see now this relationship changed. That it’s unfortunate, at that point, that HERE was able to dictate the public space and the public parking arrangement. I feel that what they do in the internal parking garage of their building, how they could figure that as their business, but this is a public space. It also, as the memo points out, it’s a main bus route up to campus, but the memo doesn’t point out that, it is also a main bicycle route up to campus. Not only is it one of the main ones, it’s probably the most desirable one because it’s not a steep one, anywhere else on Oread Mountain. It’s the one that’s preferable to anybody in the northeast sector of Lawrence to get up to campus. Given that, this does and will have more bicycle activity, more activity in general. I think this is a good opportunity to revise that arrangement, that agreement. The city has some leverage now. We don’t have to accept the given of what the developer just prefers. We can do it for the safety of our citizenry and the students at KU and anybody who’s using the public right of way. So, I would like to see that be renegotiated, that part of the arrangement, that if the City is indeed going to be paying for some of this infrastructure now, that we have a right to have some say in how it’s designed. Here is response for paying for the design of the parking, the sidewalk and all that, but I think Lawrence has an opportunity here and actually an obligation to our citizens to make it much safer for everybody.

Mayor Farmer:

Any questions for Michael? Okay, thank you Michael. Other public comment on this item? Okay, back to the Commission.

Commissioner Amyx:

Let me understand this right if I could Mayor, the place where the parking is going to be is still inside the public right-of-way, right? So we would be the one that would dictate how parking would occur there, right?

Diane Stoddard:
Interim City Manager

Correct.

Chuck Soules:
Public Works Director

That's correct it's in the public right-of-way, but we're not paying for anything but the travel lanes.

Chuck Soules:
Public Works Director

The two through lanes and the turning lane. The parking stuff was all established through the site planning and we have had the discussion about the "back in" parking. We've looked at that at several locations in the community, but it hasn't panned out at this point. There are no bike lanes planned on Mississippi Street at this point because we just don't have the space. We're backed right up against the KU property on the west side and then the private property on the other side. We're not doing any work on Indiana other than they're doing some parking up there, but the City's not participating at all on that. So all we're doing is participating in the travel lanes on Mississippi and then the reconstruction we're splitting 50/50 on 11th Street.

Commissioner Amyx:

So the fact that there is no bicycle lanes here.

Chuck Soules:
Public Works Director

There won't be bicycle lanes.

Commissioner Amyx:

It is part of an approved site plan, but if the Commission wanted to reverse and use the back in parking, especially here as maybe even a test, with much bicycle traffic going up past the university.

Scott McCullough:
Planning & Development
Services

Let me provide a little bit more context Commissioners about this as this was going through the process. Scott McCullough with the Planning Office. David must not be here tonight. David Cronin the City's Engineer regional consideration idea was for the reverse angled parking. We had several meetings with the developer and amongst staff and other stakeholders including KU and I believe even the Bicycle Advisory Committee may have seen that and the Police Department. It is still a little bit of a fresh idea, nationwide. There are a lot of cities as Mr. Almon points out, that do employ reverse angled parking. All things considered, we thought that this may be a little bit of a confusing area to start our campaign for reverse angled parking, given the turnover in students every year and especially at the HERE site. There is a little bit of history with confusing parking, when you're not use to using the reverse angled parking. So in lieu of that particular method of parking, we employed other traffic calming measures on the street to slow down traffic taking into account pedestrian, bicyclist and the vehicles there. So it was a great consideration and at the end of the day, a City Engineer's recommendation was presented to the City Commission was for the parking that's established by the site plan.

Commissioner Amyx:

Thanks Scott that does answer my questions as our involvement

with whatever negotiations there would have been. So I appreciate that.

Vice Mayor Soden: Well, I am concerned about springing reverse parking on new students, new drivers on top of that. I think just getting them to do the usual traffic safety laws is enough without perhaps springing this on them. So I have some concerns about that.

Commissioner Amyx: Just because all of the involvement that we had Mayor in the negotiations and the final site planning with the City Engineer's office, I think that I appreciate Mr. Almon's concerns and is where we were, but I think in this particular case, we probably ought to proceed with the recommendation.

Moved by Commissioner Amyx, seconded by Vice Mayor Soden, to authorize the Interim City Manager to sign a Cost-Sharing Agreement with HERE Kansas, LLC for Project No. PW1417 - Reconstruction of Mississippi Street and 11th Street. Motion carried unanimously.

C. CITY MANAGER'S REPORT:

Diane Stoddard, Interim City Manager, presented the report regarding Lawrence Utilities Department kicks off Phase 3 of the Ecoflow Rapid Rainwater Reduction Program; Fence project at Prairie Park Nature Center; and, Community Recognized for Food Policy Innovations.

PUBLIC COMMENT:

K.T. Walsh I should be very brief. These are just questions that don't have to be answered tonight but back when you were Mayor, Commissioner Amyx, we talked about a drone policy for Lawrence and now that there interfering with airplane flights and everybody I talked to and I see a lot of drones flying around Lawrence. The police and the Citizens Drone Policy Group were going to meet and try to hammer out so we might need to talk to them again. Also, the police when they got the big grant to put all the cameras downtown, they promised that they would come back with their policy so there wouldn't be the awful things that have happened in other towns where you're following your "Ex" around downtown. You know they're being used for inappropriate things and they were going to come back and talk to us about what they're camera policy was and then lastly, it's been three weeks and we sure could use a bus bench out at the jail and the shelter.

Mayor Farmer: Can we get some information on the bus bench and also on the policy for cameras downtown?

Diane Stoddard:
Interim City Manager Will do. I'll certainly talk to the police about those policy issues. On that bench issue, we have received a request related to moving that stop that we currently have established along that route so one of the issues has been where the appropriate place to move it would be. We really want to make sure that we put that amenity in, once we have that stop established. That's something we're still working

with the public transit administrator on to try and determine and then we'll certainly do those amenities that are needed.

Mayor Farmer: Other public comment, general public comment? Alright we'll move on to the regular agenda.

E. REGULAR AGENDA ITEMS:

1. **Considered the following items related to the East Ninth Project:**

a) **Considered approving the updated draft East Ninth Work Plan, as recommended by the Citizen Advisory Committee.**

b) **Considered authorizing the Interim City Manager to execute an agreement with the Lawrence Arts Center regarding the commitment of \$50,000 from the Lawrence Arts Center toward the City's service contract with el dorado, inc. and establishing expectations for handling the agreements with artists regarding the project.**

Porter Arneill, Director of Arts and Culture, presented the staff report.

Mayor Farmer: Any questions?

Commissioner Amyx: Just a very fast comment Mayor. The Commission back in June did approve the original work plan. We did send it back for...to address Vice Mayor's, you know, concerns that we have. I believe my personal belief is that the advisory committee did in fact make those changes, included them in the work plan. Obviously, from the vote you can see there's a little bit of a difference of opinion, but I believed that they're there and we also, then again received information from staff about zoning issues and overlay districts and those items that I believe that, you know, that we should consider, you know, in the future and I think that that was recommended by the Planning Directors comments. So I think that we have done the things that we had set out to do and we're still proceeding to getting a plan that we'll be presented to the Commission, you know, later on this year where you know the decision of funding that final project that happens. That's obviously been my goal as chairing this committee and that's the direction we're heading.

Mayor Farmer: Thank you. Questions for Porter? **(None)** Porter, thank you.

Commissioner Amyx: Thanks Porter.

Mayor Farmer: Public comment on this item? **(None)** Okay, so the action before us is to consider approving the updated draft, East 9th work plan and to authorize Diane to execute the agreement with LAC regarding the commitment of \$50,000 from them toward the City service contract with eldorado inc.

Vice Mayor Soden: Back to the Commission

Mayor Farmer: Back to the Commission.

Vice Mayor Soden: So we have here under the staff memo and attachments, the annotated version of the documents of the Vice Mayor Soden. Do you guys have that open?

Commissioner Amyx: It's the second line on number one.

Commissioner Boley: Yeah.

Commissioner Herbert: I'm sorry, yes I do.

Vice Mayor Soden: The one with all the scribbles, so if you scroll all the way down, I think that we need to add those last two lines. That's why those two people voted against it. It's because they wanted it fully spelled out that 9th Street itself would not become a venue of sorts so I think it's important to add those two sentences in there.

Mayor Farmer: Under number 4.

Vice Mayor Soden: Yeah, the very bottom, the last two lines.

Commissioner Herbert: Not to get into too much of a semantics debate, but what exactly do we mean by the word venue?

Vice Mayor Soden: Well exactly, we're trying to spell it out here.

Commissioner Herbert: If we spell out that we don't want it to become a venue, but a definition of venue is a place people go.

Commissioner Amyx: A place for...

Commissioner Herbert: That would be a problem.

Commissioner Amyx: Well, the CAC did have that discussion, but maybe not the point of venue, but we did talk a lot about entertainment corridor, wasn't it Vice Mayor?

Vice Mayor Soden: Uh huh.

Commissioner Amyx: I mean it was not, you know, I don't think any of us on the committees even began to suggest that our street become an entertainment corridor.

Commissioner Boley: We just spent a couple of days getting lots of phone calls and emails about George Williams Way and the water supply. I don't see going to the Commission every time they're going to close the street off if you're going to do it all the time, is any kind of solution. You know, are we building a street or are we

building...

Commissioner Amyx: I say we're building a street.

Commissioner Boley: Okay

Vice Mayor Soden: Well, this language would address that.

Commissioner Herbert: Hey Toni, what legal impact would that language have? I mean what, I guess in terms of what the actual contractual difference between, as written and then as suggested. If we say it won't become a venue, what does that do in terms if somebody pursues to open a business on 9th Street, where people would presumably go?

Vice Mayor Soden: We're not talking about opening a business on 9th Street

Commissioner Herbert: That's why I want to define venue, because places where people go, in my opinion, is a venue.

Vice Mayor Soden: Think of the Free State Festival that took place on New Hampshire Street, now picture that as a venue. That's what we're discussing.

Commissioner Herbert: Is the Bottleneck a venue?

Vice Mayor Soden: The Bottleneck is...

Commissioner Boley: Is that private?

Vice Mayor Soden: Yeah, it's a private business on private land, but yeah.

Commissioner Herbert: So would that be legally restricted based upon that language.

Vice Mayor Soden: It's a private business on private land. This is a public street. I mean if you prefer a different word than venue.

Commissioner Herbert: I'm just making sure we know what we're adding. That's all I'm doing.

Commissioner Boley: I'm just saying if the language Mike's talking about gets us to where we want to go, say to the street, I'm okay with that, but I just want to let everybody know, that's where I am on this deal.

Commissioner Amyx: As we look at page 4 under the work plan as amended and that 6th paragraph, and you look at it and it talks about the project goals, the project goals do not include establishing east 19th Street as a sanctioned entertainment corridor that diminishes to the authenticity of East Lawrence's rich cultural history.

Commissioner Boley: So you're saying it's different than 9th Street between

Massachusetts and New Hampshire.

Commissioner Amyx:

Possibly.

Commissioner Boley:

Okay, because we close that off for street parties, right?

Commissioner Amyx:

8th Street. The thing that we look at is there're making sure that the main corridor, which I would have to say, is still the main corridor for traffic and pedestrian and bicycling. So I think that that's what we look at. I mean, we had and the CAC had the debate on whether or not this language on page 4, paragraph 6 answered the question brought up by the Vice Mayor. It was a belief on an 11 to 2 vote that yes, in fact, it does.

Vice Mayor Soden:

But if you want the other two people, just including this language would accomplish that which I'm looking for consensus, I think, if we truly want to address the neighborhood concerns.

Toni Wheeler
City Attorney

If I could respond. It's understood that this is a work plan for the project and it is setting out some perimeters for that work plan, but we will continue to have authority over the streets and the corridor and can regulate the underlying uses. This work plan is not going to be the only document that controls that real estate. It would still be subject to our land use restrictions and our right-of-way use regulations, I believe, so maybe Porter can elaborate or if el dorado, inc., representatives is here, perhaps they can elaborate on that.

Josh Shelton:
eldorado Architects

I think the issue for us has been the appropriate place for this language. If the Commission and the community needs to address the programming of the street beyond the street being designed and implemented then I fully support that too. I think that within our purview and the perimeters of what we're working on, we're working on a street scape improvement project and you know, regardless of what infrastructure we may or may not put into this street, if the City of Lawrence and the Commissioners and the community don't feel venues are appropriate that's a programming issue and I would really encourage kind of a close watch on that as the street kind of progresses and gets completed.

Mayor Farmer:

Other question of staff? Okay, so the item before us again is to approve the updated draft, the signed work plan to authorize Diane to execute the agreement with LAC regarding the \$50,000.

Commissioner Amyx:

Just one more comment. If I could, and understand Vice Mayor, I have absolutely respect for you and the neighbors of East Lawrence, everybody that's been involved with this process. I believe that, you know, the committee along with the engineers, everybody has tried to take and place every consideration, you

know, for protection of East Lawrence neighborhood. I, again, truly respect your opinion and your concerns about what could happen, but as we talked the other night, ultimate decisions will happen at this dais as to 'when' or 'if' that particular stretch of roadway could ever be used as a venue to hold an entertainment, you know, for some type of entertainment and I think that, you know, it's one of those things where we have to place, you know, some kind of trust in the ordinances and things that we have in place.

Vice Mayor Soden: Well, everyone already feels like they aren't setting it up to do that, then there's no harm in adding that language.

Commissioner Amyx: Well, I believe personally that this takes care of it, but you and I will have that difference of opinion.

Vice Mayor Soden: Well, the two people that have voted against it wanted that language as well. This isn't just me that's coming up with this.

Commissioner Amyx: Okay.

Mayor Farmer: Any other Commission discussion? **(None)** Okay, then I would entertain a motion from the Commission either way.

Moved by Commissioner Amyx, seconded by Commissioner Herbert, to approve the updated draft East Ninth Work Plan and authorized the Interim City Manager to execute an agreement with the Lawrence Arts Center regarding the commitment of \$50,000 from the Lawrence Arts Center toward the City's service contract with el dorado, inc.

Vice Mayor Soden: Well, I would move to amend that to add this language to the amendment...no?

Toni Wheeler:
City Attorney I think the appropriate thing to do in this place, at this time, is to see if the motion on the floor would pass and then you could offer an amendment that it doesn't or you could withdraw the current motion and have the amendment added, but he has moved. He made one motion and did it get a second?

Commissioner Herbert: Yes.

Commissioner Amyx: Under rules, somebody can amend a motion that has been moved and seconded and wouldn't the amendment have to be voted on first?

Toni Wheeler:
City Attorney Yes, I think that would be an appropriate way to handle it.

Vice Mayor Soden: This vote would just be the amendment.

Commissioner Amyx: So there's an amendment on the floor and we're waiting on a

second. Is that right?

Mayor Farmer: Well, you have to withdraw your second and you have to withdraw our motion to us.

Commissioner Amyx No, they remain.

Mayor Farmer: Okay, so we have an amendment on the floor. Does the amendment have a second? **(No comment)** The amendment fails for lack of a second.

Vice Mayor Soden: Do we have to withdraw it?

Commissioner Amyx: No. I'll call the question.

Moved by Commissioner Amyx, seconded by Commissioner Herbert, to approve the updated draft East Ninth Work Plan and authorized the Interim City Manager to execute an agreement with the Lawrence Arts Center regarding the commitment of \$50,000 from the Lawrence Arts Center toward the City's service contract with el dorado, inc. Aye: Amyx, Boley, Farmer and Herbert. Nay: Soden. Motion carried.

2. **Conducted a public hearing to allow the owner of the property at 1231 Pennsylvania Street to show cause why the enforcing officer should not be directed to raze and remove the unsafe and dangerous single family house and accessory storage building and to remove accumulated debris scrap and storage from the exterior yard and front porch, and take appropriate action.**

Mayor Farmer called a public hearing to allow the owner of the property at 1231 Pennsylvania Street to show cause why the enforcing officer should not be directed to raze and remove the unsafe and dangerous single family house and accessory storage building and to remove accumulated debris scrap and storage from the exterior yard and front porch, and take appropriate action.

Kurt Schroeder, Assistant Director, Planning and Development Services, presented the staff report.

Mayor Farmer: Questions for Kurt? Thank you.

Moved by Commissioner Amyx, seconded by Commissioner Boley, to open the public hearing. Motion carried unanimously.

Mayor Farmer called for public comment.

Shelly Wakeman:
Representing Leon Kimball As Kurt indicated, we've discussed the matter over months and we're in agreement generally with the recommendation that he makes to you tonight and believe it's somewhat aspirational on the 90 day timeline if there is going to be reconstruction of the structure. However, I think we've had good working relationship and as long as we are all in agreement that essentially if you approve it, as recommended, we expect to have within 30 days, the remainder too, of the debris removed and some indication

from a general contractor the cost and then a decision made, whether the building will be repaired or both building will be repaired or whether they'll be one or both of them will be demolished, but if repairs will be made there's very little chance that they will be completed within 90 days as long as we understand that what you're looking for is a honest and good faith effort to get this work done and diligence on our part and I think we're in agreement, but again, I think that 90 days is somewhat aspirational if we're going to repair the structure, but we're certainly willing to commit that we will have an answer at the staff level, certainly as to what we plan to do and then if we're going to repair we would certainly have to apply for a building permit and have a general contractor named within that 90 days. I think that would be fair. Do you have any questions for me or Mr. Kimball?

Mayor Farmer:

Questions for Shelly or Mr. Kimball?

Mayor Amyx:

No.

Mayor Farmer:

Thank you. Other public comment on this item? **(None)** Okay, back to the Commission.

Commissioner Amyx:

Well, Mayor, I think as long as we're working, you know, as pretty much a team and understand where everybody is in this process. Mr. Kimball has done a very good job of living up to what we asked him to do and, you know, it's proceeding in such a way as he can. I'm willing to give the time and understand, I'm like you, there's no way that we're going to be there in 90 days, but let's keep working together and make sure we reach the end that we want to be at. I think we'll be fine. Leon, thank you.

Commissioner Boley:

Thank you Leon and thank you staff. I really appreciate your work on this.

Commissioner Hebert:

I don't think we have any interest in a punitive way. I think a strict 90 day deadline serves no purpose other than to be punitive to say "sorry, you didn't meet the deadline, tough luck." So did you say 6 dumpster already removed? I say that's an incredible progress since April...7 dumpsters, that's incredible. That is no easy task. I think you're doing a wonderful job and I think as long as it keeps coming back to us, that we're better tomorrow than we were yesterday. I think a timeline is honestly somewhat arbitrary if we're moving in the right direction, I'm happy.

Mayor Farmer:

Thank you Shelley and Mr. Kimball for all your hard work and the neighborhood for such a great job in helping the situation.

Moved by Commissioner Boley, seconded by Commissioner Herbert, to close the

public hearing. Motion carried unanimously.

Moved by Vice Mayor Soden, seconded by Commissioner Boley, to concur with staff's recommendation to allow the property owner an additional 30 days to complete removal of remaining debris, scrap and storage from the yard and porch areas, and to complete the cost analysis to determine whether the structures would be repaired or demolished. Motion carried unanimously.

3. **Considered the following items related to the 2015 General Obligation Bond and Temporary Note Sale:**
 - a) **Considered adopting Resolution No. 7131, amending Section III of Resolution No. 7054, to include the final cost of the 2014 Overlay Project.**
 - b) **Considered adopting Resolution No. 7132, amending Section III of Resolution No. 7079, to include the final cost of the 9th Street Reconstruction Project.**
 - c) **Considered adopting Resolution No. 7133, establishing the maximum annual bonding amount for public improvements, pursuant to Charter Ordinance No. 27.**
 - d) **Considered adopting Resolution No. 7134, authorizing the offering for sale of general obligation temporary notes, series 2015-I, and general obligation improvements bonds, Series 2015-A, of the City of Lawrence, Ks.**

Bryan Kidney, Finance Director, presented the staff report.

Bryan Kidney:
Finance Director

The last agreement item that I actually had, part of the agreement for the east 9th Street was the \$50,000 payment to go towards the contract. Even though the amount that we have listed and you see a big list of all these projects has a total bond financing of \$317,000 for the project. Now that the agreement is in place, it will actually lower the amount of bonds by that 50,000. Again, we have that full authorization, but we used that \$50,000 to lower that.

Vice Mayor Soden: So that's the design fee not the actual construction.

Bryan Kidney:
Finance Director

Correct that was for the final...yes, that's for the design fees.

Kidney continued with his staff report.

Commissioner Herbert: On Item C which is Resolution 7133, as I'm reading it that has no bearing on next year's budget, correct? That's just exclusive to the 2015. That establishes a sealing for bonds, correct?

Bryan Kidney:
Finance Director

That establishes a sealing for bonds that the uses are going to be used for an actual building and that just...each one of these resolutions of intent, they have different authority that we can issue the debt for. For example, a street project would have this

resolution and a utility would have this type. For public buildings, the authority is a Charter Ordinance that the City has and that ordinances just says, every time that you issue debt for public building, you just have to pass a resolution that says this is the most you're going to pay in debt for public buildings and that's what we're doing. The Carnegie improvements over the last couple of years...

- Commissioner Herbert: But, that ordinance is fixed to one year, correct?
- Bryan Kidney:
Finance Director Yes, one fiscal year. So next year if we have any kind of debt for public buildings then that resolution will be needed again.
- Commissioner Boley: When you say fixed, do you mean the issuance rather than spending the proceeds, using the proceeds?
- Bryan Kidney:
Finance Director Yes, the issuance. We're not going to issue more than a million dollars in this fixed calendar year.
- Mayor Farmer: Questions for Bryan? **(None)** Bryan, thank you. Public comment on this item? **(None)** Okay, back to the Commission.
- Commissioner Amyx: Diane, the Mesa Way, the temporary financing needed on the Mesa Way project, was that a private deal?
- Diane Stoddard:
City Manager Those are all special assessment benefit districts, 100%, but we do have to finance them upfront and then eventually bond them which are paid off by assessments, the property owner.
- Commissioner Amyx: I was thinking, yeah, that was a private street, why are we borrowing money, \$35,000. We had to loan the benefit district \$35,000 and capitalize the interest.
- Diane Stoddard:
Interim City Manager We do tack the interest on, the interest cost on to that as well.
- Commissioner Amyx: Since we're carrying it for private use, could we just loan it to the benefit district, and we could collect the interest.
- Diane Stoddard:
Interim City Manager I think we're doing this under the special assessment benefit district process.
- Commissioner Amyx I'm just trying to figure out...\$35,000 is not a whole lot of money.
- Bryan Kidney:
Finance Director I'll answer that. Again, it's different authorities that we have to issue debt, one of them is a special assessment process where a private owner will come and ask for improvement that will directly benefit them. I also think it's a little bit interesting. It's up to the private developer/owner for them to do their own cost calculations. It might be. Whether or not does it make sense to pay the issuance costs that we incur because we pass that

whole 100% back on to those property owners or do they go to a local bank or some other financing to finance it. That's their pro forma and apparently, in this case, they felt that makes sense. I think they came forward at some point and probably asked for a petition to do this, I imagine.

Chuck Soules:
Public Works Director

Yeah, there's multiple property owners involved in this and so they want the City to go ahead and do that. We've also got the expertise. We offered to help them and assist them anyway we can, but they didn't know how to get it done so we went through the benefit district process. You guys accepted the petition and formed the benefit district so...

Commissioner Amy:

I'm more than willing to help. My only question here Chuck was for \$118,000, you know, we could earn the interest back on the loan and the money to the district itself, right? Can we do that?

Diane Stoddard:
Interim City Manager

Maybe Toni can chime in on this, but one thing that the special assessment process does enable us to do, is to place this on the tax rolls and...

Bryan Kidney:
Finance Director

There's a lien against the property we already do that so there's not actually a provision that we would be able to loan that money.

Diane Stoddard:
Interim City Manager

You're scenario would be great if they paid. It's just that when they don't pay and then we need a mechanism.

Commissioner Amy:

Got it. I figured it out now.

Chuck Soules:
Public Works Director

It has public assess on it, that's what allowed us to do the benefit district.

Commissioner Amy:

It just seemed to be that even though...and \$118,000 a large amount of money, but for one of our roadway projects, it's really not and if we were to do that, we ought to earn interest rather than paying it for once. Just me thinking, but somebody else is paying all of it anyway.

Commissioner Boley:

I move adopting the 4 resolutions.

Commissioner Herbert

Second.

Diane Stoddard:
Assistant City Manager

If we might have in the motion, just make sure that we have all those resolution numbers, if you would.

Moved by Commissioner Boley, seconded by Commissioner Herbert, to adopt Resolution No. 7131, amending Section III of Resolution No. 7054, to include the final cost of the 2014 Overlay Project; adopt Resolution No. 7132, amending Section III of Resolution No. 7079, to include the final cost of the 9th Street Reconstruction Project.; adopt Resolution No. 7133, establishing the maximum annual bonding amount for public improvements, pursuant to

Charter Ordinance No. 27.; and, adopt Resolution No. 7134, authorizing the offering for sale of general obligation temporary notes, series 2015-I, and general obligation improvements bonds, Series 2015-A, of the City of Lawrence, KS. Motion carried unanimously.

4. **Conducted a public hearing and considered adopting Resolution No. 7129, establishing a benefit district and authorizing intersection improvements at 6th Street and Champion Lane.**

Mayor Farmer called a public hearing to establishing a benefit district and authorizing intersection improvements at 6th Street and Champion Lane.

Chuck Soules, Public Works Director, presented the staff report.

Moved by Vice Mayor Soden, seconded by Commissioner Amyx, to open the public hearing. Motion carried unanimously.

Mayor Farmer called for public comment. None.

Moved by Vice Mayor Soden, seconded by Commissioner Amyx, to close the public hearing. Motion carried unanimously.

Commissioner Amyx: I do believe that the assessment being equal throughout both sides of the street because I do think the benefit is the same on both sides of the street and I appreciate the work that staff has done on this in bringing this back to us, but I think it's fair, I think it's equitable. Some are going to have to pay a little bit more, but its equal throughout. So I think it's the fairest way to do it. I'd be happy to make it a motion that we adopt Resolution 7129.

Moved by Commissioner Amyx, seconded by Commissioner Boley, to adopt Resolution No. 7129, establishing a benefit district and authorizing intersection improvements at 6th Street and Champion Lane. Motion carried unanimously.

5. **Conducted a public hearing regarding the 2016 Budget and consider the following items related to the adoption of the 2016 Budget:**
 - a) **Considered adopting on first reading, Ordinance No. 9146, approving and appropriating the 2016 City of Lawrence Operating and Capital Improvement Budget; and**
 - b) **Considered adopting on first reading, Ordinance No. 9122, establishing a two-year schedule for 2016 and 2017 water and wastewater service rates, effective November 15, 2015 and November 15, 2016, respectively.**

Mayor Farmer conducted a public hearing on items related to the budget.

Diane Stoddard, Interim City Manager, presented the staff report.

Casey Toomay, Assistant City Manager, talked about the changes to the recommended budget in the staff report.

Casey Toomay:
Assistant City Manager

The budget that we have here tonight is exactly as it was presented back in early in July so I can stop at this point and ask you guys if you have any questions. If not, what we need to do tonight is conduct the public hearing and then we would ask you to consider the ordinance that would adopt the budget and then also the ordinance that would adopt those two, the water and sewer rates for 2016 and 2017.

Commissioner Boley:

I'd like it to be considered, at what point would it be good to bring that up?

Casey Toomay:
Assistant City Manager

I think it's up to you. I think similar to your last item you can conduct the public hearing and have public comment through that hearing and then send it back to the Commission and you can discuss it at that point or however you all see fit. Does that answer your question?

Commissioner Boley:

Yes.

Mayor Farmer:

Other questions for Casey?

Casey Toomay:
Assistant City Manager

I also do want to thank you all for all of your input and work through this summer and also recognize all the staff time and hours from all the different department directors down to their budget staff that have helped put this together and just wanted to recognize all the work of everybody. So thank you.

Mayor Farmer:

You guys did a heck of a job, thank you.

Moved by Vice Mayor Soden, seconded by Commissioner Amyx, to open the public hearing. Motion carried unanimously.

Michael Almon:

I believe I heard Mr. Kidney say earlier that the Capital Improvement Plan Budget would be adopted this autumn. Is that correct, sometime this autumn?

Diane Stoddard:
Interim City Manager

This is actually adopting the 2016 Budget for that. We were talking about, at the staff level, is bringing that improvement program back to the City Commission for your deliberation and in a timeframe, and in advance of discussion of the budget, kind of a more extended timeframe for budget discussion this next year.

Michael Almon:

Okay, thank you. First of all, I just wanted to congratulate you for getting at this point in the budget and slogging through the last 3 months. A lot of hard work as Ms. Toomay has pointed out so I appreciate that. I do want to thank you for the bicycle pedestrian improvement line item with \$200,000. It's 10% of what Sustainability Action is recommending, but that's okay. I see it as a major step. It's value isn't so much it's magnitude as it is,

that it is discretionary money at the Commissioner's disposal as you see fit, rather than having some pedestrian bicycle facility projects in dire need and waiting for 2 years for a grant to come through. You will have money that you can spend when you need it. That said, as the 2016 CIP as I believe will be projected out over the next 5 years, anticipating the Pedestrian/Bicycle Task Force recommendations. I would image, I would recommend, I would hope, that that \$200,000 is increased progressively through the next, to a point where you have really some money you can work with. So I just wanted to point that out that this fall, I hope you'll be looking at ways that line item will be expanded, year by year. One other thing, in the study session on the 16th of July, there's discussion about the water and sewer rates and a couple of things I'd like to ask a question about. Vice Mayor Soden and Commissioner Herbert both talked about being in favor of a progressive water rate. I think this is a flat rate at this point. Is that correct? It looks like it's pretty much straight across the board. Is there any consideration to do that at some point or do we just feel that's a better policy at this point?

Diane Stoddard:
Interim City Manager

We have engaged a firm to look at the rates and one of the things in that discussion will be bringing back to you all. I think we talked in that meeting about looking at some various options, rate structures during that discussion so that will be forth coming.

Michael Almon:

Well alright...thank you. I find that to view water as a very precious resource. You know it's a limiting resource. It's one that's not going to be as available in the future as pure water for one thing, much less the volume and my other thought on that was that June 16th discussion also went into some extent, the large irrigators and the fact that the large irrigators have on our capacity because during the summer months, these large irrigators are drawing in a very large rate and requiring that our capacity be able to handle it even though the rest of the year, we don't need that capacity. It seems at that point in June 16th there was some discussion about addressing the rates specifically for those irrigators and maybe Mr. Wagner can correct me, I'm not sure if currently those large irrigators operate on an irrigation only rate as opposed to a full rate. No, that's wrong, okay.

Mike Lawless:
Deputy Director of Utilities

They pay the same rate. Whatever class they're in, they pay the same rate that they would for the domestic service.

Michael Almon:

Okay thank you. What I'd be interesting in learning is that there is some mechanism that can be devised that these large irrigators pay proportionally larger rate because they're demanding that our capacity be so large and we have to carry that capacity of the water treatment plant. I'd like to see if

maybe that could be looked at in the future too. Thank you once again. It's great work.

Mayor Farmer: Thank you Mike. Other public comment on the budget?

Samantha Snyder:
Public Transit Advisory
Committee

I'd like to make a comment about the public transit funds. I'm the newest member of the PTAC and I'd like to make a comment about the allocation of \$120,000 to Johnson County Transit. On June 12th, PTAC sent a memo to the Commission, why Johnson County doesn't need or deserve the allocation of these funds. I have copies of the memo here if anybody needs to refresh on those, on that information and following the memo the Interim City Manager recommended that the City maintain the \$120,000 payment that we have been sending the last couple of years. This is less than Johnson County requested, but it's still \$120,000 more that PTAC believes that we should be giving to Johnson County. So I'm here to reiterate PTAC stance that this payment is a poor investment and that the funds would be better used here in the Lawrence community. There are extensive unmet needs in the Lawrence Transit System and as Commissioner's expressed in the meeting a couple of weeks ago about the transit hub, there is concern about the budget in the coming years with the sales tax being up for renewal. So in light of that, we shouldn't be giving away our money to Johnson County. Johnson County's budget has improved in recent years so it's really not necessary for us to be subsidizing their most profitable route and in our dealing with Johnson County Transit on this issue, we feel they've been providing incomplete information and accountability for their spending has been inadequate as has been their effort to secure funding from other stakeholders in the route and that give us the overall impression that they have pegged the City of Lawrence as easy money. The citizens of Lawrence expect and deserve improvements to Lawrence Transit Service and when they approved the sales tax in 2008, to support Lawrence Transit, I really doubt they expected us to diverting those funds to another community and I anticipate they'd be surprised and disappointed to learn that this was happening. So I would like to urge you to re-examine this item and keep Lawrence taxpayers money in Lawrence for the purpose it was meant for. Thanks and any questions that I can answer for you.

Mayor Farmer: Thank you. Other public comment on the budget? **(None)**

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

Commissioner Amyx: I'd be interested. I think it was Commissioner Boley that had requested information that considered a couple of weeks ago and he seems pretty adamant this program.

Commissioner Boley: I'd like to invite Shannon to come up and visit. She's got some information.

Shannon Oury: County
Lawrence/Douglas Housing Authority

So I was approached a couple of weeks ago by Commissioner Boley and some individuals from the County, is basically saying to me if we gave you money, could you house people and of course the only answer to that is yes. What has happened and particularly the request had to do with individuals at the homeless shelter. You've heard a lot from us recently about our transitional housing program and specifically, the waiting list which currently has 48 people on that particular waiting list. If there was money earmarked to help individuals at the shelter get transitional housing and transitional housing in Lawrence means we enter into a voucher program with these families where we agree to pay a portion of the rent based on their income for 24 months. All of our transitional housing programs result at the end of those 24 months if the household was successful in completing the program. We then issue them a regular section 8 voucher that they can stay in for as long as they need that assistance so we would do this program just like that. We have certainly have individuals at the homeless shelter who are on our waiting list. I think we have a total about 17 people from the homeless waiting list and maybe I can get to the...I'm not positive how to work this.

Diane Stoddard: Interim City Manager

Are you looking up the information that's posted?

Shannon Oury: County
Lawrence/Douglas Housing Authority

Yes, but what I can tell you about our program is that it is uniquely successful particularly for this success rate for homeless individuals. We have about an 83% overall success rate. So you can see what's happened to our HOME grants. One of the reasons that there's an issue with the Shelter is that the places for individuals who are ready to move on from their shows what our HOME grants have been. Our HOME grants come from HUD. It's given to the city to allocate and so you can see the reduction that we've had in the last several years from our home grant that of course means we can serve fewer people. So if you look at the number of people and you want to look at this totals column, but the number of people we were serving back when, was \$300,000. We were helping about 20 households a year. In 12 we helped 11 and unfortunately this year we have a reduction and 15 doesn't start until August 1st. So far, there had been no households helped. That was the history of the program and what's going on and I believe it was Commissioner Boley and Craig Weinaug and some people thinking if we've created a place for so many individuals at the homeless shelter to go, could that happen and the answer to that question is yes.

Commissioner Boley: Are you talking about individuals or are you talking about

households.

Shannon Oury:
Lawrence/Douglas
Housing Authority County Both, we house both.

Commissioner Boley: So we could target a program towards families that are currently at the shelter.

Shannon Oury:
Lawrence/Douglas
Housing Authority County Absolutely

Commissioner Boley It would be like the HOME program only it would be city funds.

Shannon Oury:
Lawrence/Douglas
Housing Authority County Correct

Vice Mayor Soden: Is this a one-time thing, or would this be permanent.

Commissioner Boley: This is a one-time thing.

Commissioner Amyx: It is your recommendation that we consider families only and what should that family size be?

Commissioner Boley: I prefer to work on the folks that are in the family section of the shelter. I'd accept their definition. Currently there are 36 folks, something like that. That would be my priority. The idea is that because the shelter has come to us and asked for emergency funds for this year, I think one of the ways we could help out would be to allocate some money for 2016 to try to reduce the population at the shelter and kind of give them a chance to regroup with their management and give and Craig and me a chance to work with them on what their financial structure looks like so that there not coming back to us next year and Michael Eglinski (City Auditor) going to be working with us.

Commissioner Hebert: Shannon, how many did you say was on the waiting list.

Shannon Oury:
Lawrence/Douglas
Housing Authority County On this transitional we have 48 currently.

Commissioner Herbert: That's families or individuals?

Shannon Oury:
Lawrence/Douglas
Housing Authority County It's not...its individuals we don't discriminate against... I mean, we don't just house families in the transitional program. Our transitional waiting list, you're required to have a service provider and so what I'm looking at here is we partner with

family promise, we partner with Tenants to Homeowners, we partner with about everybody, Bert Nash, everybody in town and so this lists has individuals from a lot of different...that aren't necessarily at the...I do have sixteen people on this list who are housed at the shelter because for sure that's their service provider. You can see I've highlighted my list.

Commissioner Herbert: I guess what I'm asking is, as I'm looking at the chart from 2008 – 2013, and it says for instance on 2011, thirteen transferred to permanent housing. Is that thirteen total individuals or is that thirteen separate housing units?

Shannon Oury:
Lawrence/Douglas County
Housing Authority: Thirteen households so it can be individual or multiple.

Commissioner Herbert: Stewart, what was your total dollar request?

Commissioner Boley: \$100,000

Commissioner Herbert: Because as I'm doing the math, based if we're going off this chart which is the only chart we have so I guess that's what we're going off of. You know 2011 there's a \$300,000 allocation, thirteen families transferred to permanent housing so if you'd do the math on that, it's just north of four families per \$100,000. So are we assuming that our \$100,000 tonight essentially is four families?

Shannon Oury:
Lawrence/Douglas County
Housing Authority: And we did an estimate based on we can see the family size of the people on our list and what we estimate is that it would be 9 households if you allow singles or it would be five families that we would house of this list.

Commissioner Boley: The idea is that \$100,000 of the City money would be for 2016 and this is a two year commitment so we expect that or we hope that the county would also provide some money for this so that we could fund the program at a higher level than \$100,000 for the two years.

Commissioner Herbert: I guess I'm just struggling with the math how \$100,000 only assists four families. On the 2011 numbers, that's \$25,000 per family. If you look at 2011, thirteen transferred to permanent housing.

Commissioner Boley: Those are the ones that are in the program, there're still seven current tenants under the 2013 HOME program down below.

Shannon Oury:
Lawrence/Douglas County
Housing Authority: Right and if you look in the orange column total, it's actually twenty.

Commissioner Herbert: Okay so twenty families for \$300,000, so that's basically six and a half per \$100,000. Is that correct?

Commissioner Amyx: Families?

Commissioner Herbert: Well right. If \$300,000 serves twenty families, thirteen of which transferred to permanent housing, but we're talking about twenty total. I don't have my calculator open or in front of me, but twenty families, \$300,000, I think is about six and half families per \$100,000 so we're talking about \$16,000 per family. I'm struggling to understand why it's taking us \$16,000 a year to house one family.

Shannon Oury:
Lawrence/Douglas County
Housing Authority

And it's for two years; it's twenty-four months.

Commissioner Boley: The other thing, in 2011, there were five households that actually did the HOME program unfavorably.

Commissioner Herbert: 2008 no, what was it 2010 where we had the exact same allocation, \$300,000 and we're at twenty-one and we only had two exit unfavorably, so we're still...mathematically we're still virtually the same. If it's a voucher system, if we're not paying the entirety of it even at twenty-four months, we're looking \$16,000 so it's an \$8,000 voucher per year, per family? Is that where we're at?

Shannon Oury:
Lawrence/Douglas County
Housing Authority

It could depend because...I mean I'm looking at the list and the first person from the Homeless shelter has a family size of five so when you have those type of things that well, you're talking about a much bigger voucher payment, particularly if we base it on their income. So if they have very little income we may be paying the entire rent. So it really depends on how big is the family and what part of the rent can they absorb.

Vice Mayor Soden: So there is not a fixed dollar amount per family.

Shannon Oury:
Lawrence/Douglas County
Housing Authority

No.

Commissioner Herbert: No, I understand that, I just want to be real clear about how many people are going to be served by this \$100,000. Can we scroll back up to the chart? What are we looking at there in 2013? I mean we have \$176,000 allocation and four families, none which were transferred to permanent housing.

Shannon Oury:
Lawrence/Douglas County
Housing Authority

Right, we still have seven families that are current.

Commissioner Herbert: Okay.

Shannon Oury:
Lawrence/Douglas County Housing Authority Because the way the grants run is they start in August and then they run for twenty-four month period so we still have many families who are still in the grant.

Commissioner Herbert So presumably those seven that are still in it could all become permanent housing transfers.

Shannon Oury:
Lawrence/Douglas County Housing Authority Correct.

Commissioner Herbert: So then we're at seven families for \$176,000. I'm having a hard time seeing the math add up that we're going to be able to assist six families for \$100,000, if our most recent data shows, at best case scenario we're going to serve seven families for \$176,000.

Commissioner Boley: There is two that actually are favorably already, plus the seven.

Commissioner Herbert: Okay, well even if they didn't exit then you're talking nine families at \$176,000 which still doesn't work out mathematically to prove we're going to spend...

Commissioner Boley: Plus you have the two that exited.

Commissioner Herbert: Right, I added those in. So nine, right?

Commissioner Boley: There are two that are out, seven that are current and two that are out unfavorably. So that's what, eleven?

Commissioner Herbert: That's eleven for \$176,000.

Commissioner Boley: As Chad said it could be a family of six.

Commissioner Amyx So if we make a voucher based on their income, is that how this works? Is that what you said?

Shannon Oury:
Lawrence/Douglas County Housing Authority Well the way the program works is that a household will pay 30% of their income for rent and so if they have very little income then their paying a very small part of the rent so it just depends on sort of where that works out.

Commissioner Amyx: So if we want to maximize the number of people served, how do we do that?

Shannon Oury:
Lawrence/Douglas County Housing Authority You could have the program be for individuals at the shelter who have employment or families at the shelter who have employment. You could do that and I know there are many.

Traymeyer was indicating they have many people who have a job at the shelter. That would maximize it.

Commissioner Boley: I mean the idea is to try to lower and stabilize the population at the Shelter so if we can maximize, that would be great.

Commissioner Amyx: Well, I share a little bit of the same concern Matt does. If we're spending \$100,000 and we're only taking care of eight households, as being a landlord, I mean I can give you plenty of space and units at a lot cheaper rate than that. I just want to make sure that we're not buying into a deal or helping folks out and causing an increase of rents. I mean, that's the way I see it as a landlord but understand, I know that you have rules that you have to follow and another way to maximize, are we better off by doing a program even ourselves in helping to do that, but since you do it and you do it well, that's okay. I guess what I'm trying to do is figure out that we want to serve as many families as we possibly can if we're going to agree to a one-time payment of this, how do we do that and if it's only people that have work or employment that can get in the program, I mean that's the way you do it.

Shannon Oury:
Lawrence/Douglas County
Housing Authority

What I would say, is we have a payment standard and it's based on the fair market rents HUD puts out and we are not allowed to pay more than that. We would use those rules so it wouldn't be a situation where the rent is being driven up because we have a maximum payment standard by bedroom size that we don't pay more than. As I said, this is a difficult population and what the whole point of the program is, is that we pair as service with housing and we pay our part of the rent and if someone has zero income, they pay 30% of zero which is nothing, right? So we pay the rent. So that is the way the standard program works. I don't want anyone to think that the Lawrence/Douglas County Housing Authority is a moving to work agency and not for this program, but for our normal program we have work requirements for all the abled bodied, non-elderly participants.

Commissioner Boley: And kudos to you Shannon because you're working with, as you say, this population and the success that you've had with this is what, 83%?

Shannon Oury:
Lawrence/Douglas County
Housing Authority

Yes

Commissioner Boley: That's amazing. That's one of the things to look at when we do this and these folks are people who moved on favorably to permanent housing.

Commissioner Herbert: I guess, well I'm sorry to be a skeptic, but how is this, a one-time payment. Do you understand what I'm saying? As I look at the

chart, the diminishing amount of money they received has been diminished. If we're talking about long-term success for the Shelter, I don't equate one-time payment with long-term success.

Commissioner Boley: This was immediate reaction to you guys putting me on the Shelter Board. Okay?

Commissioner Herbert: I'll be honest with you, that's another thing that concerns me, is that no one came to us for this money; we almost like reached out and said, we have money, could we spend it. This is a wrong way to approach this.

Commissioner Boley: I'm a citizen Matthew.

Commissioner Herbert: I know you are.

Commissioner Boley: I wouldn't be here if I wasn't and what I'm saying is, we've got a situation at the Lawrence Community where they've come to us for emergency funding this year. I'm trying to think how we can try to lower and stabilize that population so we have a chance to make sure the management is there and that they get their budget where it needs to be so that they can be sustainable. That's where I'm coming from.

Commissioner Herbert: Right, but the emergency funding that we gave to the Shelter is not the funding you're recommending for this.

Commissioner Boley: Right and I don't want to give any more emergency funding to the Shelter. That's one of the reasons I want to do this.

Commissioner Herbert: But whether we give it to the Shelter or give it to whoever we give it to, we're still giving more emergency funding. It doesn't matter who receives it, we're still claiming that a one-time expense is going to...

Commissioner Boley: Lawrence/Douglas County housing authority is a component unit of our government.

Commissioner Herbert: I understand that.

Commissioner Boley: And they have a good track record on this

Mayor Farmer: Any other questions for Shannon. Shannon, thank you. We kind of have three items before us. Diane, do we have to do anything with the adoption of the two ordinances?

Diane Stoddard:
Interim City Manager: I think Mayor; I would suggest that if you did want to make that funding allocation for 2016, then you would need to direct us where you wanted that taken. I think, previously we had a couple of suggestions for you again, with the understanding

that's it's a one-time expenditure. You know there is money in that Housing Trust fund as we've talked about. I know there's some interest in having another project brought forward from the newly created board about the use of those funds. Again also, I would say the one-time expenses, what we do have cash balance for if there is an interest in funding that, that's something that we can do and it could be either done for the 2016 Budget or we have that authority currently to do that expenditure if that's what you direct.

Commissioner Boley

I'd like it in the 2016 Budget with the fund balance.

Diane Stoddard:
Interim City Manager

So this evening if you all want to entertain that, then we would just suggest that you make that as part of the motion on that budget ordinance.

Commissioner Boley:

Okay

Commissioner Herbert

You know Matt this is yet another project that's come before us that's cost exactly the amount of money we have in a Housing Trust Fund that we are once again going to tell me, we can't use for a program that clearly puts people in houses.

Commissioner Boley:

It puts people in houses.

Commissioner Herbert:

It does put people in houses, right? Isn't that the goal of it? So a Housing Trust Fund that happens to have the amount of money that this program happens to need, can't be used for a program that puts people in houses? I'm wearing out my microphone giving this speech every week, but every week we have a new program that puts people in houses that we're not allowed to use an account we have, with money in it, designed to put people in houses.

Vice Mayor Soden

Think of it this way, we don't just have one way to do it we have multiple ways to do it.

Commissioner Herbert:

We can spend people's money a lot of ways, I'm aware of that, but we also heard Brian Kidney (Finance Director) stand up and tell us that we've got to quit draining our reserve funds at some point and then within minutes of that, we look at another way to drain our reserve funds a little more. I'll be honest with you, Commissioner Amyx hinted at this fact, I'll just come out and say it, as somebody who is in the landlord business, I can tell you that Section 8 vouchers offer you a sealing that exceeds fair market rate and is a great way to hike your rents, if you accept them. I will testify to that fact and that is why we get \$100,000, but we can only house six and half families with it, whereas at fair market rate, as you and I will attest to, we can house a whole lot more families than that. That's just a problem with the system. That's a problem with the system anytime you bring in

government bureaucracy, things get more expensive, but that's a fact and a reality.

Mayor Farmer: Okay, do we have further comment on the budget?

Commissioner Amyx: You mean questions about the lines?

Mayor Farmer: Questions about the lines, water/wastewater service rates, anything in item no. 5 on the regular agenda.

Commissioner Amyx: Mayor, I applaud you and other Commissioners to go through a process of, I don't know how many weeks of study sessions to get to the spending lid as to where were at and I appreciate the exercise that you led us through. I spent the time visiting with Casey last week and other members seeing where all the expenditures are and I see nowhere else to take, I mean I really don't. I suppose that in the end that we could take \$100 here and \$200 there and go through our process, but I don't think we accomplish, you know, any more than what we ask staff to do and that was the important part was to make sure that we didn't have a mill levy increase to taxpayers this year and they've been able to do that and for that I appreciate that. I know other Commissioners do also. I do think it's important to remember that, you know, next year is going to be equally as tough just because of where, you know, we are in the shortfall that is already there and commitments that we've already made and so we need to recognize the fact that new money is going to have to come, you know, to help pay this or we will be in a situation where were going to have to consider raising taxes next year. Back to this Housing Authority, you know, the Transitional Housing Program, you suggested using the 2016 Budget, but the reserve funds from there. Could we not use reserve funds anytime that we really wanted to? I mean if we wanted to put it on the agenda or take into consideration Matt's comments and believe me sitting next to him, I hear it every week. If we wanted to use the trust fund that already exists, the funds from there, with a caveat that as the program comes forward from Justice Matters or whoever, that we could use our fund balance there to replace those funds. We could do that, could we not?

Mayor Farmer: Is this something we can wait on or is it something you want to get done now?

Commissioner Boley: I want to get it done now. I just want to get it done.

Commissioner Amyx: If we do it as part of the 2016 Budget, aren't we going to wait till the first of the year?

Commissioner Boley: No, I want it for 2016. I mean, I hoping the county is going to come in and do some stuff right away, as part of this.

Commissioner Amyx: We could ask that the Mayor place an item on the agenda next week and talk about the payment beginning next week, but it would be from fund balances that we have right now or from the trust fund that's available and we see fit.

Commissioner Herbert: I'd really like to resolve that issue tonight because that's going to be a big factor, in my opinion on this, to be perfectly frank with you.

Commissioner Amyx: Okay. Mayor, we have made a commitment to Justice Matter that we would make those funds available from the Housing Trust Fund, did we not?

Mayor Farmer: I believe that we did.

Commissioner Amyx: The question comes in, is do we follow Commissioner Herbert's lead, I believe your lead, is to say, those funds are available they for transitional housing, should we not use those now and replace those funds with, you know and I suggest that we use our fund balances to replace those when that program from Justice Matters comes in or where ever it's coming from.

Commissioner Herbert: Those funds are for transitional housing and we have before us a program called the Lawrence/Douglas County Housing Authority Transitional Housing Program and that aligns beautifully.

Commissioner Amyx: I mean that's one way.

Commissioner Boley: If you all are more comfortable doing it that way, I'll go along with it. I really wanted to have this money in the 2016 Budget, but if that's not acceptable....

Commissioner Amyx: Let me make sure I understand are you talking about an additional expenditure of \$100,000 in the 2016 Budget?

Commissioner Boley: This \$100,000

Commissioner Amyx: So not from the fund balance? I'm a little bit lost, I guess.

Commissioner Boley: Essentially we could reduce the sales tax transfer.

Casey Toomay:
Assistant City Manager: You could do that. I think what our recommendation would be, is because it is a one-time expense that it's not necessary to do that. The point of our fund balance is to have reserves for unbudgeted one-time expenditures. If there is ever an appropriate time to spend your reserves, it's on an unbudgeted need that comes up, that's a one-time thing. So what I think Commissioner Amyx is saying is that we could have sufficient budget authority in our 2015 Budget, if you wanted an item on the agenda that said, spend down 2015, unbudgeted reserves

to give a check to the Lawrence Housing Authority in two weeks, for \$100,000, we could do that. Alternatively, we could say January 1, 2016, write them a check and spend it out of reserves at that point.

- Commissioner Boley: That's what I want, January 1, 2016.
- Casey Toomay:
Assistant City Manager If you want to talk more about reducing the transfer to off-set that, we could talk about that, but again...
- Commissioner Boley: That's essentially what I had in mind, is to reduce the sales tax transfer.
- Diane Stoddard:
Interim City Manager I think understanding you, Commissioner Amyx, you were also suggesting that maybe these housing trust fund monies could be used for this purpose for 2016 and then the proposal coming from the Justice Matters group could be funded through, again, the one-time reserve expenditure at the time that came forward.
- Commissioner Amyx: As long as we as a Commission commit to replacing the funds that we made a promise to. You know, I think it's appropriate that we can use these.
- Vice Mayor Soden: I think it might be a poor message to be sending that committee though that we're already yanking their funding. They don't even have employees on it and we're already taking their money. I hear how it could work, but I'd feel more comfortable with Casey's...
- Commissioner Herbert: I would say just the opposite, the fact that they don't have appointees on that suggest they're not ready to spend that money whereas we have a group that's ready to spend it.
- Vice Mayor Soden: Well it's different showing up to a committee that has zero dollars and perhaps a commitment to add to the future versus sitting on a committee that has \$100,000 in the bank. That's a very different committee.
- Commissioner Boley: I think we made that commitment to them.
- Vice Mayor Soden: We made that commitment.
- Commissioner Boley: We'd have to make a new commitment.
- Commissioner Herbert: If it's this easy though to just produce \$100,000 that we can do it on the last minute of our budget, why would it not be that easy to do?
- Mayor Farmer: Would it be easier and more acceptable to the group for us to authorize \$100,000 to come out of the Housing Trust Fund for the Transitional Housing Program for the Lawrence/Douglas

County Housing Authority and then authorize a fund balance transfer of \$100,000 to the Affordable Housing Trust Fund?

- Commissioner Boley: That's kind of pointless
- Commissioner Herbert: That's really pointless
- Casey Toomay:
Assistant City Manager: Instead of reducing the transfer to the Sales Tax Reserve fund, you can transfer \$100,000 into the Housing Trust Fund.
- Commissioner Boley: I can live with that.
- Commissioner Amyx: What does that do then to the bottom line budget?
- Casey Toomay:
Assistant City Manager: It would stay the same. The total would stay the same. The Sales Tax Reserve Fund would get a \$100,000 less and the Housing Trust Fund would get \$100,000 more.
- Vice Mayor Soden: So they can use the \$100,000 now though.
- Commissioner Boley: I want the money to go to the Lawrence/Douglas County Housing Authority for 2016, not today. I'm hoping that the County will help us out between now and the end of this year.
- Vice Mayor Soden: So you're still developing you're plan?
- Commissioner Boley: I'm trying to take care of this part of the plan.
- Vice Mayor Soden: What if we revisit idea on January 1 2016?
- Commissioner Boley: I'll be very disappointed Leslie. I'd really like to do this now. Get the money in for 2016 now. That's what I thought our budget was all about. Maybe I'm missing something.
- Commissioner Amyx: Well if we follow Casey's idea of the transfer from the Sales Tax into the Housing Trust Fund, it does exactly what you want to do. There's no change in mill levy, there's no change in anything. The numbers are still the same.
- Commissioner Boley: That would be fine. Will we make that decision today?
- Diane Stoddard: It could basically result in a budget of, I think it was \$109,000 or so that we had in that trust fund. Then effective in January then that payment can go out and there would still be a remaining balance in there for any project that would come forward.
- Commissioner Amyx: But between now and then there's going to be a program developed as to being able to get the greatest return on whatever investment we've made so that we can meet the most families.

Commissioner Boley: I would be happy to take your input.

Casey Toomay:
Assistant City Manager

The only other issue with that is that it is reducing that transfer to the Sales Tax Reserve Fund and I'm sure Ernie Shaw (Interim Director of Parks and Recreation and Mark Hecker (Assistant Director of Parks and Recreation) would love to talk with you about that and what the consequence of that will mean to that fund over time. Keep in mind that that reserve fund is where they spend most of their maintenance money for their existing Parks and Rec facilities, not just Sports Pavilion Lawrence, although some comes out for that as well, but all of the current programs so when there's \$80,000 worth of work that needs to be done for ADA accessible surfaces at playgrounds, that's where that's coming from. We've already reduced that transfer. Basically none of the growth from that County-wide sales tax for 2016 is going into that reserve fund. In fact, we've held it flat and reduced it in order to pay for debt service for Sports Pavilion Lawrence. This would be reducing it by an additional \$100,000 so we would be back putting \$250,000 less dollars into that sales tax reserve fund than we did for 2015.

Commissioner Herbert: That's real money.

Mayor Farmer: True, but they need to be able to put a sign on the building in order for us to do that. So let's do this. Let's handle...do we have to...can we do the Housing Authority item as a third item, not in conjunction with 9146.

Casey Toomay:
Assistant City Manager

I think to do 9146 you have to know if the \$100,000 is coming out of the sales tax reserve fund or not.

Mayor Farmer: Okay. Alright, you want the \$100,000 out of the Sales Tax Reserve Fund.

Commissioner Boley: Yes.

Mayor Farmer: So are you making a motion to adopt on first reading Ordinance No. 9146, approving an appropriating 2016 City of Lawrence Operating Capital Improvement Budget and directing staff to place \$100,000 for the Sales Tax Reserve Fund into the Affordable Housing Trust Fund to then be dispersed to the Lawrence/Douglas County Housing Authority?

Commissioner Boley: So moved.

Commissioner Amyx: Is that for the entire budget then? Well, I'll second that. Are we going to go a line at a time through the budget?

Mayor Farmer: No.

Commissioner Amyx: Really.

Commissioner Herbert: Do you want to withdraw your second?

Commissioner Amyx: No...I'm kidding.

Moved by Commissioner Boley, seconded by Commissioner Amyx, to adopt on first reading, Ordinance No. 9146, approving and appropriating the 2016 City of Lawrence Operating and Capital Improvement Budget and allocate money to the Housing Trust Fund to be given to the Lawrence Housing Authority. Aye: Amyx, Boley, Farmer, and Soden. Nay: Herbert. Motion carried.

Commissioner Boley: Before we move on I'd like to say a couple of things. As we near completion of this budget, maybe we just did, I'd like to thank everybody who worked on it, Bryan, Casey, Kevyn, Diane, all the staff. You've done good work, but I really fill like the system that we've used has some flaws. The costs of each of the City's services that will provide next year, is not readily apparent. Next year when we budget for 2017, we'll need to see exactly what the planned expenditures from all funds, budgeted and unbudgeted funds will be for each of our departments. This should also include allocations of retirement benefit costs. Because we can't service this cost, we can't identify what affect to resources will have on service levels that would be provided. This is especially important when we don't increase the mill levy, but need to move resources to those areas that Lawrence residents had identified as most important. We need to know what our program cost so that we can adjust how we spend City funds to provide the services that are most important to and valued by Lawrence residents. We've spent a lot of time working on this budget, which is a plan for the future. We've also spent some time talking about the financial statements in performance indicators which reflect the past. What we haven't talked about is what is happening right now with City finances. We need to know where we are right now and what we're looking at for the balance of 2015. When we finish the budget for 2016, we won't be done. We'll need to keep a sharp eye on the City finances and be ready to modify are plan, our budget, if that's necessary. I really think we need to take a look at our systems of how we do our accounting and how we do our budget. Thank you.

Mayor Farmer: Thank you Stuart.

Vice Mayor Soden: Great auditor. Thanks Stuart. I have something to say. I didn't know we could make little speeches now. When I was talking to Channel 6, earlier today and she was asking me "What do you think about this budget", you know a very open ended question and we'll be working on it for a few months. I couldn't really think of anything and then I was like "hello, we're funding the WRAP Program. That is a huge thing that we did right off the bat. It wasn't controversial. I was expecting some kind of

controversy with it. We were all in agreement. It was the thing I was most proud of. I've very excited about it so we were just at the mental health meeting this morning, you know, and they're very excited about it and their just awesome so thank you.

Moved by Commissioner Amyx, seconded by Commissioner Boley, to adopt on first reading, Ordinance No. 9122, establishing a two-year schedule for 2016 and 2017 water and wastewater service rates, effective November 15, 2015 and November 15, 2016, respectively. Motion carried unanimously.

F. FUTURE AGENDA ITEMS:

Diane Stoddard, Interim City Manager, outlined potential future agenda items.

G: COMMISSION ITEMS:

Commissioner Amyx:

I just want to take a moment to thank the Commission members who met with Greg Nelson the last couple of day. Our staff members, me with Greg from Anderson and Associates all of the citizens who had the opportunity to meet with Greg and give their input about our City Manager's search and the qualities of individuals and just everything that went on with it, but I really appreciate everybody stepping up and wanting to become involved with the process. We had really good numbers of people and I as a member of the Commission, to speak on behalf of the whole Commission, I would just thank everybody that's was involved so that you all. Lot of things to go through over the next several months, but we're going to make it happen.

Vice Mayor Soden:

Toni, I guess I can bring this up tonight. I had an incident happen to me and I learn through life scenarios. We have our open meetings act and just kind of learning the rules of when people email and you email back and so I had this incident happen so I was getting Toni involved to see just what that actually meant in real life you know because the presentation she gives, is helpful as guidance, but you know it's helpful to have a real life scenario. So this week I had someone that emailed all of the Commissioners and so the I started just a one on one conversation with them just a couple of emails went back and forth and then that person decided to send that email to all five of you and so it was like oh my god, did we just open meeting act violate. If so, I got a hold of Toni. So I thought it might be helpful for us because I think that could happen again. That could happen every week for all I know, but it hasn't happened to me yet so I was asking Toni for her advice on that.

Toni Wheeler:
City Attorney

I really do appreciate this Commission's attention to the Kansas Open Meetings Act. I know that the public also very much appreciates your desire to make sure that your meetings are

public and that they have an opportunity to listen to what you have to say and how you vote on matters. On the email situation what transpired was Vice Mayor Soden did not create an open meetings act violation. What happens is, remember a meeting occurs when three or more of you are involved. There's an interactive discussion and you're discussing the business of the body. So if you all receive an email from a citizen about a subject, a rezoning or any matter that might come before this Commission, I have cautioned you to avoid the "reply all" function on your computer. It is fine for you to respond individually at various periods of time, but if you start replying "all" at the same time and you're all chiming in on comments on a topic, then that is what might be a problem. So as long as you don't "reply all" and start communicating with your fellow Commissioners about a topic, you should be fine. It is fine for one person to respond. It is fine for all of you to receive the same email, as long as three of you aren't discussing a topic simultaneously. So I hope that clears that up. Again, I appreciate you bringing that forward and asking questions and I'm always happy to answer questions, talk with you individually or as a group.

Commissioner Amyx:

I visited with Chuck before the meeting about 23rd Street, the section between Louisiana and Alabama Street that was going to be closed starting tomorrow for less than for a week and realize we're going to be closing 27th Street and building our pedestrian deal during the same period and I'm not sure it would have been wise to close one lane of 23rd and Louisiana, especially at the same time we've got 27th Street closed while they're putting that crosswalk in so I had asked him about the possibilities of working with the Utilities Department about waiting some time and I didn't know where we were in that process.

Chuck Soules:
Public Works Director

We are waiting.

Commissioner Amyx:

We're what? We're waiting on 23rd Street.

Chuck Soules:
Public Works Director

We've made the commitment to the neighborhood to get those other improvements done so we're trying to get that done. Sidewalk is behind, but the crosswalk there at Naismith Valley Park and they did get started on the sidewalk so we're working to get that done and then the utility work will wait.

Commissioner Amyx:

Okay.

Chuck Soules:
Public Works Director

It wasn't for the waterline, it was for the waterline last year, they settled and it was repair work so it was warranty work from the contractor's side.

Commissioner Amyx: I just didn't want us to create another problem for ourselves.

Chuck Soules: I agree. We'll have those roads open here in a couple of weeks.
Public Works Director

H: CALENDAR:

Diane Stoddard, Interim City Manager, reviewed calendar items

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Commissioner Amyx, seconded by Vice Mayor Soden, to adjourn at 7:59 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON NOVEMBER 17, 2015.



Brandon McGuire, Acting City Clerk