

## **Council Minutes – January 5, 2016**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 5, 2016. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Clear, Ortiz, Schumm, De La Isla, Jensen, Schwartz, Coen and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Mayor Wolgast asked for a moment of silent meditation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

Mayor Wolgast recognized Topeka Police Department employees Tracie Paige for being honored as Employee of the Year; Michael Hochard for being honored as Officer of the Year; and Brandon Austin for receiving the Medal of Merit.

A PRESENTATION on the proposed Kay McFarland Memorial Garden was provided by Brendan Wiley, Topeka Zoo Director.

Councilmember Schwartz commented on the plans to build the memorial garden and building in honor of Kay McFarland in collaboration with the Topeka Zoo, Friends of the Topeka Zoo and private contributions.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Michael Padilla to the Civil Service Commission to fill an unexpired term ending January 5, 2020, was presented.

BOARD APPOINTMENT recommending the reappointment of Danton Hejtmanek to the Downtown Business Improvement District Advisory Board for a term ending January 1, 2018, was presented.

ADVISORY COUNCIL APPOINTMENT of Allyn Lockner to the City of Topeka ADA Advisory Council for a term ending November 30, 2017, was presented.

MINUTES of the regular meeting of December 15, 2015, was presented.

Councilmember Harmon moved to approve the consent agenda. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

ORDINANCE NO. 19983 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of October 31, 2015, through November 27, 2015, and enumerating said expenditures therein was presented.

Jim Colson, City Manager, reported approval would authorize City expenditures in the amount of \$17,393,436.59.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Schumm, De La Isla, Jensen, Schwartz, Coen, Harmon and Mayor Wolgast -10.

APPROVAL of the Real Estate Report for property located at 545 NE Twiss Avenue, Topeka, Kansas, was presented. (*Contract No. 44861*)

Sasha Haehn, Department of Neighborhood Relations Director, gave the staff report and stated approval would transfer property located at 545 NE Twiss Avenue to Topeka Habitat for Humanity for use as a single-family residential home.

Councilmember Clear moved to approve the real estate report. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

AN INTERLOCAL AGREEMENT between the Board of County Commissioners of Shawnee County, Kansas and the City of Topeka, Kansas, relating to financing countywide

infrastructure development, quality of life projects and economic development to be funded by a one-half of one cent countywide retailers' sales tax was presented.

Jim Colson, City Manager, reported discussion has continued over the past year regarding extension of the countywide half-cent sales tax and corresponding interlocal agreement between the City and County. He stated as a result of the discussion from the December 15, 2015, Council meeting, staff made the following recommendations:

- (1) The Economic Development funding that would go to the JEDO contractor, which is currently GO Topeka, will remain at \$5 million.
- (2) County bridges will be funded at \$28 million.
- (3) There has been no disagreement between the City and County in terms of specific street projects and funding amounts as well as all quality of life projects including the Kansas Expocentre to be funded at \$45 million as requested.
- (4) They must determine as a Governing Body when and how to fund projects. There have been many discussions relating to basing funds on a prorated share with the City and County being responsible for their own funds; or on a prioritization basis which is how it has been handled in the past.
- (5) In terms of an Urban Economic Development program, GO Topeka has increased their focus to improve workforce development and job training in the community; therefore, staff recommends the City focus on using money for youth employment; and specifically for infrastructure and rehabilitation of existing facilities directly related to economic development. He requested that \$66,000 be made available annually for youth employment programs and the additional \$500,000 be made available annually to invest in the rehabilitation of existing facilities and infrastructure specifically and directly in support of economic development projects primarily in the eastern and northern portions of the City. Each project would be tied to a specific development agreement between the City and the funding agent with final approval from the Governing Body and/or JEDO Board depending on the required entity.

Lisa Robertson, City Attorney, provided a brief overview of the proposed interlocal agreement. She noted the City Manager requested to amend the interlocal agreement to delete lines 169-170 as well as lines 174-176. (Lines 169-170: "i. Workforce development for unemployed/underemployed residents, including veterans" and Lines 174-176: "iv. Job training in certain designated areas of the City that have been historically disadvantaged from an employment and economic growth perspective.")

Councilmember Ortiz asked how funding through the Urban Economic Development program could be used to improve blighted properties in bankruptcy status.

Jim Colson stated a development agreement approved by the Governing Body would be executed for each specific project for the purpose of outlining certain financial protections.

Councilmember Schumm spoke in support of utilizing Urban Economic Development program funds to focus on all areas of the city in need.

Councilmember Hiller stated she would support the City Manager's proposed amendments because the definition of economic development was broad, providing the JEDO Board the capability to develop programs along the way as needed.

Councilmember Schwartz spoke in support of the City Manager's amendments; however, she asked if the Governing Body could impose reporting requirements in the development agreements outlining how many people are trained through the programs and how many people have successfully found employment.

Councilmember Ortiz suggested clarifying the term "youth" on line 171 and consider including an age range.

Councilmember Schumm stated he would abstain from voting on the interlocal agreement as he serves on the Kansas Expocentre Advisory Board. He noted he was hesitant to support the amendments as presented, because GO Topeka, in his opinion, is failing in the workforce development and job training category. He requested they allow additional time for public input prior to the final vote on the interlocal agreement.

Councilmember De La Isla spoke in support of addressing blighted structures as it would help ensure long-term success of the community through rehabilitation of neighborhoods. She

asked if the City has considered partnering with Washburn Tech to develop youth training programs.

Councilmember Jensen stated he concurs with Councilmember De La Isla and requested the City focus on the youth or age group Washburn Tech does not currently serve allowing the City to serve as a buffer with funding being funneled through JEDO.

Councilmember Hiller stated she believes it was the intent of City staff to set aside 10% as stated on line 159 of the interlocal agreement “endeavor to use an amount of not less than Ten Percent (10%) of the funds received to” and asked if the percentage would still work within the new structure.

Councilmember Schwartz spoke in support of the interlocal agreement and stated she believes GO Topeka is making the necessary changes to adapt and change their process to address what is needed in the community.

Councilmember Ortiz moved to approve the interlocal agreement. The motion was seconded by Councilmember De La Isla.

Councilmember Hiller made a motion to amend the interlocal agreement to delete lines 169-170, “i. Workforce development for unemployed/underemployed residents, including veterans; and” and lines 174-176, “iv. Job training in certain designated areas of the City that have been historically disadvantaged from an employment and economic growth perspective.” The motion seconded by Councilmember Schwartz carried. Mayor Wolgast voted “yes.” Councilmember Schumm voted “no.” (9-1-0)

Lazone Grays spoke in support of funding workforce development and distributed a handout regarding Basic Transitional Jobs Program Design.

Councilmember Hiller distributed the following proposed amendments to the Interlocal

Agreement draft dated January 5, 2016:

1. Page 2, Section 1 Joint Economic Development Organization Created ..... further defining the role of JEDO

Line 6 Insert as shown "authorize the JEDO to: establish the economic development program for the County and the City; manage the Interlocal Agreement and any related issues as needed; monitor performance and impact of economic development, quality of life and infrastructure projects; steadily look for best practices and strategies that can improve performance; establish strategic economic development plans that include measurable objectives and benchmarks; review economic development plan performance annually; establish new plans and goals at least 6 months before contract rebids or renewals. The following agreements concerning the JEDO shall be ..... "

2. Pages 6 and 7, Sections 5 and 6 relating to distribution of funds for Economic Development and Urban Economic Development programs

It is problematic that the proposed language requires distribution of all funds when contracts may or may not exist for 100% of the funds available. Instructions in these sections are to the Finance Committee, not to the JEDO Board.

Possible solution - Section 5 (a) line 2 Insert "or reserve" after "shall distribute"; Section 5 (b) line 1 insert "or reserve" after "shall distribute"; Section 6 Insert "or reserved" after "has been distributed"

3. Page 6, Section 5 (a) lines 7-10 relating to the 10% Set aside

As drafted the new Interlocal would require 10% or more of each contract to be dedicated to supporting "economic development for socially and/or economically disadvantaged individuals and/or business enterprises." In the current agreement, we have a single contractor, and that contractor devotes 10% to a program that is fully targeted at those at-risk groups.

Possible solution (if this is seen as a problem) -Section 5 (a) line 7-10 Amend as follows: "provided, however, that any such contractor(s) in the contracts for each year JEDO shall endeavor to use an amount ensure that not less than Ten Percent (10%) of the funds received awarded will be targeted to support economic development for socially and/or economically disadvantaged individuals and/or business enterprises."

4. Page 7, Section 6 Relating to weighting the distribution of Infrastructure and Quality of Life funds in order to give the City more funds to get its 9 street projects done in early years, with minimal to no financing

The current City staff proposal suggests assigning the projects to City and Shawnee County as reflected on Attachment A and dividing the funds even up through the 15 years. We know that the Willard Bridge has had interest-free financing committed for 10 years and that the County is expecting to do their street projects late. If the

distribution of funds were re-weighted to allow the City to get its funds first for its streets and the County later for Willard and its streets, leaving all else the same, the ratios would change to

Years 1-10	City 64%	County 36%
Year 11	City 10%	County 90%
Years 12-15	City 8%	County 92%

This could mean \$30 million to the City and completed streets. The ratios could be inserted in Section 6. Finance and Legal should perhaps review before this amendment was finalized.

Councilmember Hiller moved to amend the interlocal agreement by adding the statement, “manage the Interlocal Agreement and any related issues as needed; monitor performance and impact of economic development, quality of life and infrastructure projects; steadily look for best practices and strategies that can improve performance; establish strategic economic development plans that include measurable objectives and benchmarks; review economic development plan performance annually; establish new plans and goals at least 6 months before contract rebids or renewals.” after the word “City” on line 45. The motion was seconded by Councilmember Schwartz.

Councilmember De La Isla spoke in opposition of the amendment. She stated the JEDO Board as a body should set their own policy.

Councilmember Hiller stated the City and County have been working towards making these types of changes over the last two years.

Councilmember Schwartz spoke in support of the amendment and stated she believes it would improve accountability.

Councilmember De La Isla noted they have the option to call a special meeting of the JEDO Board to add the proposed language as well as other items suggested in the Garner Economics report.

Councilmember Jensen and Councilmember Schumm stated they concur with

Councilmember De La Isla in regards to the process of imposing JEDO Board policy.

The motion to amend the interlocal agreement by adding the statement, “manage the Interlocal Agreement and any related issues as needed; monitor performance and impact of economic development, quality of life and infrastructure projects; steadily look for best practices and strategies that can improve performance; establish strategic economic development plans that include measurable objectives and benchmarks; review economic development plan performance annually; establish new plans and goals at least 6 months before contract rebids or renewals.” after the word “City” on line 45 carried. Councilmembers Schumm, De La Isla and Jensen voted “no.” Mayor Wolgast voted “yes.” (7-3-0)

Councilmember Hiller moved to amend the interlocal agreement by inserting the words “or reserve” after the words “shall distribute” on lines 153 and 162; and insert the words “or reserved” after the words “has been distributed” on line 182. The motion was seconded by Councilmember Clear.

Councilmember Jensen questioned the necessity of the language. He expressed concern with holding money in reserve and noted the public wants to see progress made in the community immediately.

Councilmember Hiller stated she believes the amendment sends a message to the public that JEDO would not expend funds unless a project was worthwhile and ready to move forward.

The motion to amend the interlocal agreement by inserting the words “or reserve” after the words “shall distribute” on lines 153 and 162; and insert the words “or reserved” after the words “has been distributed” on line 182 carried. Councilmembers De La Isla, Jensen, Harmon and Mayor Wolgast voted “no.” (6-4-0)

Councilmember Hiller moved to amend the interlocal agreement beginning on line 158 to

state, “economic development priorities; provided, however, that ~~any such contractor(s)~~ in the contracts for each year JEDO shall endeavor to use an amount ensure that not less than Ten Percent (10%) of the funds ~~received~~ awarded will be targeted to support economic development for socially and/or economically disadvantaged individuals and/or business enterprises.” The motion seconded by Councilmember Clear carried unanimously. (10-0-0)

Councilmember Hiller moved to amend the interlocal agreement on lines 186-187 to accommodate the schedule of Years 1-10 – City 64% and County 36%, Year 11 – City 10% and County 90% and Years 12-15 – City 8% and County 92% be included in the schedule labeled “Exhibit A” of the Interlocal Agreement. The motion was seconded by Councilmember Clear.

Councilmember Hiller explained the percentages presented would provide the City with the capability to complete street improvements within the first ten years.

Councilmember Jensen requested a friendly amendment to include language that would ensure funding for the Willard Bridge if the loan from the State is not secured.

Councilmember Schumm stated he would assume the County would create a contingency if they have concerns about bridge project funding and spoke in support of the amendment as it supports the repair of City streets within the first ten years.

Mayor Wolgast expressed concern with the amendment and noted Shawnee County Commissioner Kevin Cook spoke at the December 15, 2015, JEDO Meeting in favor of allowing each entity to do their own projects in their own way.

Councilmember Hiller agreed to the friendly amendment offered by Councilmember Jensen. The second concurred.

The motion to amend the interlocal agreement on lines 186-187 to accommodate the schedule of Years 1-10 – City 64% and County 36%, Year 11 – City 10% and County 90% and

Years 12-15 – City 8% and County 92% be included in the schedule labeled “Exhibit A” of the Interlocal Agreement and include language that would ensure funding for the Willard Bridge project carried. Councilmembers De La Isla, Harmon and Mayor Wolgast voted “no.” (7-3-0)

Discussion ensued by Governing Body members regarding the importance of allowing the Shawnee County Commission time to review and respond to the proposed interlocal agreement as amended prior to taking final action on the agreement.

Councilmember Jensen made a substitute motion to defer action on the interlocal agreement for two weeks to allow time for the Shawnee County Commission to review and respond to the proposed interlocal agreement as amended. The motion seconded by Councilmember De La Isla carried. Mayor Wolgast voted “yes.” Councilmember Ortiz voted “no.” (9-1-0)

DISCUSSION regarding the \$300,000 approved in the 2016 City of Topeka Operating Budget to enhance arts in the community was presented.

Brandon Kauffman, Finance Department Director, reported the Governing Body approved the allocation of \$30,000 to enhance arts in the community, as a result of this action staff created and distributed a Request For Proposal (RFP) to organizations within the community. He stated ArtsConnect was the sole response to the RFP.

Sarah Fizell, Executive Director of ArtsConnect, provided a brief update on ArtsConnect programs, mission and vision statements, the economic impact of arts in the community, various art programs and positive results of the Topeka Mural Project throughout the community.

Councilmember Jensen asked if there was an online map regarding the locations of the art murals in the community.

Sarah Fizell stated a self-guided tour map would be created in 2016 and would accompany the art walk map that is currently available.

Councilmember Ortiz suggested the City partner with ArtsConnect to help resolve graffiti problems through the Topeka Mural Project and other community art programs.

ANNOUNCEMENTS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL;

Brenda Younger, City Clerk, gave a brief overview of the January 12, 2016 Council agenda.

Jim Colson, City Manager, stated an announcement would be distributed on January 6, 2016, to notify citizens of three public meeting dates to discuss the City of Topeka Pedestrian Master Plan.

Councilmember Hiller commended City Street Department employees for doing a great job in clearing streets during recent inclement weather.

Councilmember Ortiz requested the City consider partnering with ArtsConnect to address graffiti issues through the Topeka Art Mural program.

Councilmember Schwartz welcomed 2016 State Legislators to Topeka. She reminded Governing Body members campaign reports are due January 10, 2016. She announced a Transient Guest Tax Committee meeting is scheduled for January 6, 2016, from 10:00 a.m. to 12:00 p.m. at the Holliday Building located at 620 SE Madison Street. She also announced this week's "gem" of Topeka is the Topeka Lodging Association and their members.

Lazone Grays appeared to speak under public comment.

Councilmember Jensen moved to recess into executive session for a time period not to exceed ten minutes to discuss potential litigation and to include the Governing Body, City Manager, Deputy City Manager and City Attorney. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted "yes." (10-0-0)

At 8:30 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:30 p.m.

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Brenda Younger  
City Clerk