

## **Council Minutes – February 2, 2016**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 2, 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, Chaplain John Potter, Kansas Army National Guard gave the invocation.

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

A PRESENTATION honoring the 2016 Topeka Armed Forces Personnel of the Year Awards dedicated by the Topeka Military Relations Committee was presented by Mayor Wolgast. The following award recipients were introduced and honored for their contribution of service:

- Staff Sgt. Elissa Hobbs, Kansas Army National Guard
- Sgt. Shane Gibbs, United States Army Reserve
- Sgt. Lisa Coconate, United States Marine Corps
- Senior Airman Aaron Burkdoll, Kansas Air National Guard
- Petty Officer 3<sup>rd</sup> Class Kayla Logan, United States Coast Guard

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Crystal Irwin to the Topeka Human Relations Commission to fill an unexpired term ending February 28, 2018, was presented.

BOARD APPOINTMENT recommending the re-appointment of Darcella Goodman to the Topeka Human Relations Commission to fill an unexpired term ending February 1, 2018, was presented.

BOARD APPOINTMENT recommending the appointment of Chaiya Zahara to the Topeka Housing Authority Board of Commissioners for a term ending December 31, 2018, was presented.

BOARD APPOINTMENT recommending the appointment of Wiley Kannarr to the Topeka Planning Commission to fill an unexpired term and a full term expiring September 30, 2020, was presented.

MINUTES of the regular meeting of January 26, 2016, was presented.

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

RESOLUTION NO. 8745 introduced by City Manager Jim Colson, relating to a refinancing of a lease purchase of certain firefighting apparatus for the City of Topeka was presented.

*(Contract No. 44925)*

Brandon Kauffman, Administrative and Financial Services Department Director, reported approval would authorize the City Manager to execute an amendment to the 2010 master lease purchase agreement with Banc of America with a lower interest rate of 1.58% from 3.97% resulting in a savings of \$46,691.52 over the term of the lease.

Councilmember Schumm asked if the City staff would consider purchasing vehicles with cash instead of through a lease purchase agreement in the future.

Brandon Kauffman stated staff was currently reviewing the options for cash financing of vehicles in the future.

Mayor Wolgast expressed appreciation to City staff for researching the best financial decision to refinance the lease purchase agreement. He noted the vehicles were purchased on a lease basis in 2010 because that was best financial option for the City at that time.

Councilmember Ortiz stated the lease purchase agreement provides the opportunity for the Topeka Fire Department to upgrade vehicles at the end of lease and better serve the public.

Councilmember Jensen commended City staff for excellent financial management and saving the City nearly \$50,000.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

APPROVAL of the Economic and Community Development Committee Report and Recommendations regarding 2017 Contracted and Social Services funding priorities and initial budget recommendations was presented.

Councilmember Hiller, Economic and Community Development Committee Chair, presented the committee report and recommendations.

Councilmember Schumm thanked the Economic and Community Development Committee for their hard work to streamline the process and setting a policy for the future.

Councilmember Hiller reported the next steps in the process would be to issue a Request For Proposal (RFP) on February 8, 2016, and schedule training sessions for applicants. She stated the application due date would be in March, followed by recommendations to the Governing Body for the 2017 budget process.

Councilmember Ortiz asked if consideration could be given to funds returned or not used to other agencies that have expressed a need for funding.

Councilmember Hiller moved to approve the Economic and Community Development Committee report and recommendations. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

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. (*Deferred from the meeting of January 26, 2016*) (Contract No. 44926)

Mayor Wolgast reported the interlocal agreement was deferred from the January 26, 2016 Council meeting. He asked the City Attorney to explain the additional language amendments as presented by staff.

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

Lisa Robertson, City Attorney, stated lines 43-44 was amended to include the statement "in accordance with K.S.A. 12-2904a" as discussed at last week's meeting.

Councilmember De La Isla moved to amend lines 43-44 of the interlocal agreement to include the statement, "in accordance with K.S.A. 12-2904a". The motion seconded by Councilmember Harmon carried unanimously. Mayor Wolgast voted "yes." (10-0-0)

Lisa Robertson stated line 94, "Section 1e" was amended to include the statement "of the contract with the JEDO" at the end of the sentence.

Councilmember Hiller moved to amend line 94 of the interlocal agreement to include the statement, "of the contract with the JEDO" at the end of the sentence. The motion seconded by Councilmember Coen carried unanimously. Mayor Wolgast voted "yes." (10-0-0)

Councilmember Harmon distributed a proposed amendment. He reported the proposal was based on the percentage of sales tax paid by city residents (approximately 100%) and currently

only 1/3 of the Governing Body has voting rights. He stated he believes the Governing Body should have 100% voting rights from an accountability and constituent standpoint.

Councilmember Harmon moved to amend lines 62-65 of the interlocal agreement to state “The JEDO Board shall be comprised of thirteen (13) voting members: The three (3) County Commissioners and the ten (10) members of the City Governing Body.” The motion was seconded by Councilmember Schumm.

Councilmember Ortiz spoke in opposition of the amendment. She stated at the inception of the JEDO Board there was a compromise to give the City four (4) voting members, and by allowing all 10 City Governing Body members the right to vote they could override any decision made by the County Commissioners.

Councilmember Schumm spoke in support of the amendment and stated he believes it would be a step in the right direction for transparency and accountability.

Councilmember Jensen questioned if the voting member ratio could be based on the percentage of how sales tax is generated from City residents and County residents.

Councilmember Hiller stated she understands both sides; however, she supports the current language in the interlocal agreement.

Councilmember Schwartz spoke in support of the amendment and stated she does not believe the current language represents the city of Topeka as a whole.

Mayor Wolgast stated he understands both sides of the discussion and the JEDO Board should reflect votes of the entire city and county; however, amending the language may change board dynamics by making the County feel like they are not being treated in an equal manner.

Councilmember De La Isla stated councilmembers have a different perspective on matters as a Governing Body and she believes constituents want all elected individuals, both City and County, to have the right to vote to promote better representation of the community as a whole.

Councilmember Harmon stated he appreciates the discussion; however, the amendment will promote community wide representation and move the City and County in a positive direction.

The motion to amend lines 62-65 of the interlocal agreement to state “The JEDO Board shall be comprised of thirteen (13) voting members: The three (3) County Commissioners and the ten (10) members of the City Governing Body” carried. Councilmembers Clear, Ortiz and Mayor Wolgast voted “no.” (7-3-0)

Clark Trammell spoke on behalf of Joseph Ledbetter in support of allowing all 13 members of the JEDO Board to vote; however, he expressed concern with how the interlocal agreement has been drafted from its inception. He commented on lines 49-50 regarding development plans that include measurable objectives and benchmarks and review of an economic development plan performance annually and stated it should be reviewed on an ongoing basis or quarterly; and lines 95-96 concerning any property held by the JEDO at termination shall revert jointly to the County and the City and questioned the co-ownership of assets (property) and asked for clarification on the process to liquidate or manage it.

Henry McClure asked the Governing Body to consider giving private enterprise an opportunity to assist with economic development in the community. He announced Jayhawk, L.L.C., would be donating right-of-way to the City for the road project near SW 37<sup>th</sup> Street and SW Gage Boulevard. He encouraged JEDO to remain active with private investors; work on retail economic development and infrastructure projects to move the City towards the future.

Carol Marple spoke in support of voting rights for all JEDO Board members and commended the Governing Body for their due diligence in considering the interlocal agreement and not rushing through the process. She encouraged the Governing Body to implement the Garner Economics Report recommendations.

Councilmember Harmon moved to approve the interlocal agreement as amended. The motion seconded by Councilmember De La Isla carried. Mayor Wolgast voted “yes.” Councilmember Ortiz voted “no.” Councilmember Schumm abstained. (8-1-1)

DISCUSSION concerning the changes to the City’s charter ordinance due to State law election changes that moved April municipal elections to November was presented.

Lisa Robertson, City Attorney, highlighted the changes to the City’s charter ordinance and reported the new state laws shift municipal elections from spring (April) to fall (November) in odd-numbered years; extend the term of elected officials approximately nine (9) months; the deputy mayor elected in April 2016 would serve until a successor is elected in January 2017 and a  $\frac{3}{4}$  vote (7 votes) would be needed to override the Mayor’s veto.

Mayor Wolgast stated the changes would bring the City’s charter ordinance in compliance with state law regarding elections, followed by amendments to other ordinances as well as the Topeka Council Rules and Procedures to remain consistent.

Councilmember Hiller questioned the use of both terms “Council” and “Governing Body” in the charter ordinance.

Mayor Wolgast requested City staff review the charter ordinance to make certain all references to the council and governing body are consistent with state law.

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

Brenda Younger, City Clerk, gave a brief overview of the February 9, 2016 Council agenda.

Jim Colson, City Manager, announced the State of Kansas Polar Plunge and Strut would take place on February 6, 2016, at Lake Shawnee in support of the Kansas Special Olympics.

Doug Gerber, Deputy City Manager, announced the City has hired a new levy engineer to assist and focus specifically on the \$30 million Kansas River Levy project.

Councilmember Hiller expressed her disappointment in the closing of the Dillons' grocery store located at the corner of SW Huntoon and SW Washburn in two weeks. She commended the central Topeka community for their efforts in organizing area residents and coming together on this important issue. She encouraged residents to contact the Kroger Company and express their opinions on the recent store closing.

Councilmember Ortiz announced the Topeka-Shawnee County Public Library and the Taxpayer Assistance Center located at 901 SW Harrison are offering free Volunteer Income Tax Assistance to the public starting February 2<sup>nd</sup> through April 14<sup>th</sup>. She noted those interested could contact the library at 785-580-4555 for more information. She thanked Tecumseh North Elementary School for allowing her to be a mystery reader for their students.

Councilmember Schumm expressed the importance of communication in neighborhoods and urged residents to communicate with businesses as he believes it makes a difference.

Councilmember Jensen stated he concurs with Councilmember Schumm and encouraged residents to become involved in their Neighborhood Improvement Associations.

Councilmember Schwartz encouraged citizens to visit the Visit Topeka website for information on great activities in the area. She suggested adopting an animal at the Topeka Zoo for \$25 a year as a Valentine's gift and noted those interested could contact Friends of the Topeka

Zoo at 785-368-9161 for more information. She stated this week's "gem" of Topeka is the military families in the community.

Mayor Wolgast commended Kansas Mission of Mercy for treating 1,231 people to free dental services in a two day period provided by 125 dentists from across the state. He noted the mission location changes annually across the state, occurring in Topeka every seven years. He stated as a City, he hopes they can continue to partner with the Dillons Company in the future as well as residents in the SW Huntoon area because there are positive changes happening in the area.

Ted Mize and Clark Trammell appeared to speak under public comment.

Councilmember Jensen moved to recess into an executive session for a time period not to exceed 15 minutes to discuss two tort claims and to include the Governing Body, City Manager, Deputy City Manager, City Attorney and staff. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted "yes." (10-0-0)

At 8:02 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 8:02 p.m.

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Brenda Younger  
City Clerk