

Council Minutes – May 17, 2016

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 17, 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, De La Isla, Jensen, Schwartz, Coen and Harmon - 8. Mayor Larry E. Wolgast presided -1. Council District No. 4 – Vacant.

AFTER THE MEETING was called to order, Deputy Mayor De La Isla gave the invocation.

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

A PRESENTATION of the City’s 2015 Audit was given by Brandon Kauffman, Finance Department Director and Audrey Odermann, Mize Houser & Company.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8768 introduced by Councilmember Karen Hiller, granting Downtown Topeka, Inc., and Celtic Fox, and exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented.

RESOLUTION NO. 8769 introduced by Councilmember Karen Hiller, approving a special event known as Second Saturday Summer Concert Series, was presented.

MINUTES of the regular meeting of May 10, 2016, was presented.

APPROVAL of Cereal Malt Beverage License applications were presented for the following:

| <u>Business Name</u> | <u>Address</u> |
|-----------------------------|---------------------------------|
| Casey’s #2261 | 600 SE Rice Road |
| Casey’s #2312 | 4441 SE California Avenue |
| Hy-Vee #1658 | 2911 SW Wanamaker Road |
| Hy-Vee Gas | 6011 SW 29 th Street |
| Kwik Shop #705 | 1114 NW Topeka Boulevard |
| Kwik Shop #713 | 5700 SW 21 st Street |
| Kwik Shop \$720 | 102 SW 37 th Street |
| Kwik Shop #740 | 2277 SW 10 th Street |
| Kwik Shop #757 | 2619 SW 21 st Street |
| Kwik Shop #780 | 2520 SW 6 th Street |
| Kwik Shop #781 | 4500 SW Topeka Boulevard |

Business Name

Address

| | |
|------------------|---------------------------------|
| Kwik Shop #788 | 1414 SW 17 th Street |
| Kwik Shop #789 | 746 NE Wabash |
| Kwik Shop #791 | 1700 SW Topeka Boulevard |
| Walgreens #03069 | 1001 SW Topeka Boulevard |
| Walgreens #03772 | 2901 SE California Avenue |
| Walgreens #04557 | 2121 SW Fairlawn Road |
| Walgreens #04782 | 3696 SW Topeka Boulevard |
| Walgreens #04981 | 3630 SW Wanamaker Road |
| Walgreens #07778 | 1001 SW Gage Boulevard |
| Walgreens #15601 | 2101 NW Topeka Boulevard |
| Walgreens #16314 | 3900 SW 29 th Street |

A Dance Hall License application for The Famous Door located at 1465 SE Washington Street was presented.

An Open After Midnight License application for Norsemen Brewing Company located at 828-830 N. Kansas Avenue was presented.

Councilmember Jensen moved to approve the consent agenda. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

SELECTION of Council Member to fill the unexpired term of Council District No. 4 was presented.

Mayor Wolgast stated the interview process would proceed as follows:

- Interviews would begin with the applicants for the vacant Council District 4 position in the order the applications were received by the City Clerk.
- Applicants would have four minutes to make an opening statement and two minutes to answer each submitted question asked by each member of the Governing Body.
- Follow-up questions may be asked after all submitted questions are answered.
- After all applicants are interviewed, members of the Governing Body would vote for their choice on a written ballot and submit the ballot to the City Clerk to read the results of each ballot.
- Balloting ends when an applicant receives five votes.

The following questions were asked of each applicant during the interview:

Councilmember Hiller asked Question 1: What is the size of the City of Topeka’s total annual budget?

Councilmember Clear asked Question 2: Tell us qualities you find in co-workers that are annoying and qualities that you find refreshing.

Councilmember Ortiz asked Question 3: How will you provide the City Manager with feedback regarding performance? How do you plan to work with him to improve your district and city?

Councilmember De La Isla asked Question 4: Can you comment on what you understand are the challenges and strengths of your district? What are the top three challenges you would like to work on first?

Councilmember Jensen asked Question 5: What is your vision for the future of Topeka and how would you work to accomplish that if selected to join the Council?

Councilmember Schwartz asked Question 6: All cities are facing fiscal challenges, how would you address balancing the budget and consider various alternatives and tradeoffs without raising taxes?

Councilmember Coen asked Question 7: On a scale of 1-5 (1 being the most important and 5 being the least important), where do city street and utility infrastructure projects rate on your list of priorities? Please explain.

Councilmember Harmon asked Question 8: Complete the sentence, "Leadership is...."?

Mayor Wolgast asked Question 9: How would you reconcile both representing your district and serving the city at large?

Zach Haney, Cristina Fischer, Lorean Williams, Edward J. Fitzpatrick, Anthony "Tony"

Emerson and Les Parrish provided an opening statement and responded to the above questions.

After the interviews were complete, Mayor Wolgast asked each Governing Body member to vote for one person to fill the vacancy for Council District No. 4.

After the tally of votes, the City Clerk announced Anthony "Tony" Emerson received four (4) votes, Les Parrish received four (4) votes and Cristina Fischer received one (1) vote.

Mayor Wolgast stated balloting ends when an individual receives five (5) votes and asked each Governing Body member to cast their vote.

After the tally of votes, the City Clerk announced Anthony "Tony" Emerson received six (6) votes and Les Parrish received three (3) votes.

Mayor Wolgast announced Anthony “Tony” Emerson would serve as the new representative for Council District No. 4.

SWEARING IN CEREMONY was conducted by Jason Geier, Administrative Municipal Court Judge. Judge Geier administered the oath of office to Anthony “Tony” Emerson, newly selected councilmember for Council District No. 4.

Councilmember Harmon left the room.

ELECTION of one City Council voting representative to serve a one-year term on the Joint Economic Development Organization (JEDO) Board was presented.

Councilmember Ortiz nominated Councilmember Clear.

Councilmember Jensen nominated Councilmember Emerson.

Councilmember De La Isla nominated Councilmember Hiller.

Upon hearing no further nominations, Mayor Wolgast closed the nominations.

Mayor Wolgast asked members of the Governing Body to cast their vote.

After the tally of votes, the City Clerk announced Councilmember Clear received five (5) votes, Councilmember Emerson received three (3) votes and Councilmember Hiller received one (1) vote.

Mayor Wolgast announced Councilmember Clear would serve as a Joint Economic Development Organization (JEDO) Board member.

ELECTION of City Council representative to the Metropolitan Topeka Planning Organization (MTPO) Policy Board was presented.

Councilmember De La Isla nominated Councilmember Hiller.

Upon hearing no further nominations, Mayor Wolgast closed the nominations.

Mayor Wolgast asked members of the Governing Body to cast their vote.

After the tally of votes, the City Clerk announced Councilmember Hiller received nine (9) votes.

Mayor Wolgast announced Councilmember Hiller would serve as a Metropolitan Topeka Planning Organization Policy Board member.

SETTING a public hearing date of June 7, 2016, for consideration of imposing special assessments for Lauren's Bay Villas Subdivision, Lauren's Bay Estates and Kanza Education Park was presented.

Brandon Kauffman, Finance Department Director, gave a brief overview of special assessments process with a public hearing date of June 7, 2016. He reported the large pond project would impact 178 lots in Lauren's Bay Estates and Villas and the amount assessed to each property varies by proximity of pond in number of units. He commented on the street improvement project, water line and sewer line projects approved in 2013 for Kanza Education and Science Park.

Councilmember Hiller asked for a subdivision map that indicates the location of Lauren's Bay Villas and Lauren's Bay Estates.

Brandon Kauffman stated staff would provide a subdivision map to the Governing Body.

Councilmember Ortiz moved to set the public hearing date of June 7, 2016. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted "yes." (9-0-0)

RESOLUTION NO. 8770 introduced by City Manager Jim Colson, relating to a special permit for cutback parking at 1195 SW Buchanan Street, pursuant to Topeka Municipal Code 12.50.050 was presented. (*Contract No. 45139*)

Jason Peek, Public Works Department Director, reported approval would grant a special permit for cutback parking at 1195 SW Buchanan Street to be funded by Housing and Credit Counseling, Inc.

Councilmember Jensen moved to approve the resolution. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

ORDINANCE NO. 19999 introduced by City Manager Jim Colson, amending City of Topeka Code Sections 12.50.050 and 12.50.060 and specifically repealing said original section as well as repealing Section 12.50.070 all concerning cutback parking was presented.

Jason Peek, Public Works Department Director, reported approval would change approval for cutback parking from a resolution of the Governing Body to administrative approval by the City Engineer.

Councilmember Hiller asked what kind of oversight would the process have and who would check to ensure other departments are approving the requests.

Jason Peek stated the process would start with a cutback request submitted to the City’s Development Services Division which would in turn alert the Engineering Division of the request, and then the engineer would coordinate review of the request with other departments to ensure the request would not have an adverse impact on existing streets.

Councilmember Jensen moved to adopt the ordinance. The motion seconded by Councilmember Clear carried. Councilmember Coen voted “no.” Mayor Wolgast voted “yes.” (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Schwartz and Mayor Wolgast -8. Noes: Coen -1. Absent: Harmon -1.

ORDINANCE NO. 20000 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of April 2, 2016, through April 29, 2016, and enumerating said expenditures therein was presented.

Doug Gerber, Deputy City Manager, reported approval would allow City expenditures in the amount of \$16,418,858.77.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Schwartz carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Schwartz, Coen and Mayor Wolgast -9. Absent: Harmon -1.

RESOLUTION NO. 8771 introduced by Deputy Mayor Michelle De La Isla regarding the 2017 City of Topeka budget priorities was presented.

Deputy Mayor De La Isla listed the following priorities established by the Governing Body for the 2017 City of Topeka budget:

1. Investing in Infrastructure, including but not limited to:
 - Continue to evaluate adequate funding level for utility capital needs
 - Continue to invest funding from multiple sources to address street maintenance
 - Establish long term, comprehensive solutions for all City infrastructure including streets, utilities, and facilities;
2. Continuing a Commitment to Developing Neighborhoods, including but not limited to:
 - Continue Community Policing efforts
 - Continue engaging with neighborhoods to solicit and develop unique solutions to neighborhood-specific issues
 - Continue improvement on neighborhood infrastructure including street maintenance, sidewalks, alleys, street lighting, street cleaning, and snow removal
 - Continue focus on identifying, categorizing and addressing substandard and vacant properties and affordable housing solutions through code compliance, our special structures unit, demolition budget and partnerships with agencies and community members
 - Continue to identify opportunities to create, engage and foster neighborhood associations;
3. Continuing a Commitment to Public Safety, including but not limited to:
 - Continue maintenance/replacement of public safety fleet, technology, and equipment

- Continue to evaluate public safety allocations to ensure appropriate resources
 - Continue to promote and develop public education and awareness campaigns through neighborhoods, public presentations and social media
 - Continue to study opportunities to improve cost-effectiveness and service delivery in the Fire Department
 - Continue working with community partners to implement mental health programming including the Alternative Sentencing Court;
4. Selected Strategic Investments toward Quality of Life, including but not limited to:
 - Continue to evaluate adequate levels of support for quality of life endeavors including the Topeka Zoo, Riverfront Park, youth employment, Topeka Performance Arts Center, social service agencies, Visit Topeka, Downtown Topeka, the arts and multiple other quality of life enhancers;
 5. Improving Fiscal Sustainability, including but not limited to:
 - Build a comprehensive plan to address facilities and fleet deferred maintenance
 - Continue to evaluate adequate funding level for utility operations and capital needs
 - Continue to evaluate and update fiscal policies as appropriate
 - Continued excellence in reporting and transparency
 - Establish and maintain adequate reserves for all funds; and
 6. Improving Performance and Cost-Effectiveness, including but not limited to:
 - Continue to utilize cost effectiveness measures in resource acquisition and allocation
 - Integrate performance management goals into resource allocation and strategic planning processes.

Councilmember Hiller expressed her appreciation to the Governing Body for the priorities and providing a more detailed version; however, she expressed concern with the categories and asked if there is an assumption the Governing Body would be endorsing spending the same or an increased fund amount as 2016.

Deputy Mayor De La Isla stated the list establishes issues the Governing Body wants to continue looking for strategic ways to address and see improvements in.

Mayor Wolgast stated he concurs with Councilmember De La Isla and stated there are no monetary commitments at this point as the list establishes a direction for the Governing Body in 2017.

Councilmember Hiller expressed concern with finding balance to continue the commitment to develop neighborhoods and suggested adding language to Item No. 2 of the priority list to address substandard and vacant properties and code compliance involvement.

Councilmember Jensen moved to approve the resolution. The motion was seconded by Deputy Mayor De La Isla.

Councilmember Hiller made a substitute motion to amend the resolution on line 26 to add the word, “substandard” before “and vacant properties”; and on line 27 add the words “code compliance,” before “special structures unit”. The motion was seconded by Councilmember De La Isla.

Joseph Ledbetter suggested a separate bullet point under Item No. 4 on the priority list to address code issues because it is a serious problem in all areas of the city and asked the Governing Body to focus the budget towards these issues. He questioned continuing to evaluate adequate levels of support for the Riverfront Park under Item No. 4 on the priority list because he believes more public discussion should occur on the park so the public is informed of the details.

The substitute motion to amend the resolution to amend the resolution on line 26 to add the word, “substandard” before “and vacant properties”; and on line 27 add the words “code compliance,” before “special structures unit” carried. Councilmember Coen voted “no.” Mayor Wolgast voted “yes.” (8-1-0)

Councilmember De La Isla moved to approve the resolution as amended. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

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

Jim Colson, City Manager, announced May 16-20, 2016, is National Public Works Week and Emergency Services Week and thanked all the public works and public safety employees for their service; May is Sheltered Living Month; and May 26, 2016, is Red Nose Day to raise funds for children who are in poverty. He also announced a public meeting would be held May 18, 2016, to discuss the street improvement project on SE California Avenue between SE 29th and SE 37th Streets at the American Legion. He reported in celebration of National Public Works Week, City employees visited three local elementary schools on the Rolling Truck Tour and children were able to interact with the vehicles.

Governing Body members welcomed Councilmember Anthony Emerson and stated they look forward to working with him.

Councilmember De La Isla expressed her appreciation to the Council District No. 4 candidates and thanked them for their interest in serving the community.

Councilmember Schwartz reminded drivers to be mindful of children as the school year ends. She stated this week's "gem" of Topeka is the Council District No. 4 candidates.

Councilmember Coen announced May 21, 2016, is the Art Guild Tag Sale and the Topeka Gives event is June 7, 2016, also at Fairlawn Plaza.

Councilmember Hiller commended the Governing Body on the interview process. She also commended the Topeka Police Department on the support given to the Kansas City, Kansas Police Department during the loss of a fellow officer. She encouraged everyone to attend the NHRA Races May 20-22, 2016, at Heartland Park Topeka. She invited everyone to Bike Ride with the Chief event to ride with Topeka Police Chief Jim Brown on May 24, 2016, leaving at 1:00 p.m. from the Holliday Building located at 620 SE Madison.

Councilmember Clear announced the 2016 Evening in the Park Concerts in Gage Park are scheduled from May 18 - August 17, 2016, at 7:00 p.m. and admission is free.

Councilmember Ortiz reported the Eagle Cruise Night Car Show event on May 14, 2016, was a great event and well attended.

Councilmember Emerson thanked the Governing Body for the opportunity to serve the community and stated it was gratifying to see others interested in serving their community. He stated he would do his best to represent Council District No. 4 and the city of Topeka. He noted he has worked with many of the City's Public Works employees over the years and commended them on their hard work and service to the community.

Mayor Wolgast announced the JEDO Board would conduct a meeting on May 18, 2016, at 6:00 p.m. in the City Council Chambers to consider an incentive agreement.

Robert Stewart and Joseph Ledbetter appeared to speak under public comment.

Councilmember De La Isla moved to recess into executive session for a time period not to exceed 15 minutes to discuss workers' compensation claims and to include the Governing Body, City Manager, Deputy City Manager, Deputy City Attorney, Human Resources Director and staff. The motion seconded by Councilmember Coen carried unanimously. Mayor Wolgast voted "yes." (9-0-0)

At 9:52 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Jensen moved to extend the Council meeting past 10:00 p.m. The motion seconded by Councilmember Clear carried unanimously. Mayor Wolgast voted "yes." (9-0-0)

Councilmember Jensen moved to recess into executive session for a time period not to exceed 20 minutes to discuss attorney-client privileged matters relating to potential litigation and

to include the Governing Body, City Manager, Deputy City Manager, Deputy City Attorney and staff. The motion seconded by Councilmember Clear carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

At 10:15 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Ortiz moved to recess into executive session for a time period not to exceed 5 minutes to discuss non-elected personnel and to include the Governing Body and City Manager. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

At 10:20 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 10:20 p.m.

Brenda Younger
City Clerk