

Council Minutes – July 12, 2016

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 12, 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, Emerson, De La Isla, Jensen, Schwartz, Coen and Harmon -9. Mayor Larry E. Wolgast presided -1.

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

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

A PRESENTATION of the Futures 2040-Topeka Regional Transportation Plan was given by Bill Fiander, Planning Department Director.

Councilmember Harmon asked if the Polk-Quincy Viaduct area was still a viable project.

Councilmember Ortiz asked if the Greyhound Bus station at SE 6th Street and SE Quincy has been considered for relocation.

Councilmember Emerson asked if the plan was available online for citizens to review.

Councilmember Hiller asked if the City's website could have a link to the plan on the front page of the website.

Bill Fiander reported the Kansas Department of Transportation will provide a presentation regarding property acquisition for the Polk-Quincy Viaduct project at a future Metropolitan Transit Planning Organization (MTPO) Policy Board meeting; the Topeka Metropolitan Transit Authority (TMTA) is interested in relocating the Greyhound Bus stop and possibly combining it with their station; and previous Land Use Plans as well as the current proposed plan are available on the City's website with a crosslink to the MPO website at www.topekampo.org.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Sergeant Robert Simmons to the Juvenile Corrections Advisory Board for a term ending August 1, 2019, was presented.

BOARD APPOINTMENT recommending the appointment of Cathy Leonhart to the Juvenile Corrections Advisory Board for a term ending August 1, 2019, was presented.

ADVISORY COUNCIL APPOINTMENT of Anthony Fadale to the City of Topeka ADA Advisory Council for a term ending July 13, 2018, was presented.

RESOLUTION NO. 8787 introduced by Councilmember Karen Hiller, approving a special event known as the Kansas Mariachi Festival was presented.

RESOLUTION NO. 8788 introduced by Councilmember Karen Hiller, granting Visit Topeka Inc., an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8789 introduced by Councilmember Sandra Clear, granting Tonantzin Society an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

MINUTES of the regular meeting of July 5, 2016, was presented.

APPROVAL of an Open After Midnight License application for the 6th Street Back Door located at 610 SW Wayne Street 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)

A PUBLIC HEARING and ORDINANCE NO. 20013 introduced by City Manager Jim Colson, relating to the vacation of a 16-foot drainage and utility easement running diagonally across property located between 1920 and 1830 SW Wanamaker Road, in the City of Topeka, Shawnee County, Kansas was presented. (VI6E/4)

Bill Fiander, Planning Department Director, reported approval would vacate a drainage easement and allow the applicant to construct a new 4,665 square foot Med Assist Clinic.

Mayor Wolgast opened the public hearing and asked if there was anyone present who would like to speak to the matter. No one appearing, the public hearing was closed.

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

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

APPROVAL of the 2017 Social Services and Contracted Services allocations in the amount of \$784,881 was presented.

Deputy Mayor De La Isla reported the Economic and Community Development (ECD) Committee met on May 23, 2016, to review recommendations by the City’s allocation review committee of all grant applications submitted by agencies and voted 3-0-0 to recommend to the Governing Body approval of the 2017 allocations in the amount of \$784,881. She noted an appeal was submitted by the Community Resource Council (CRC) who was denied funding for 2017 due to a low score on their grant application; however, the ECD Committee voted 2-1-0 to deny the appeal.

Councilmember De La Isla moved to approve the 2017 Social Services and Contracted Services allocations in the amount of \$784,881. The motion was seconded by Councilmember Hiller.

Councilmember Ortiz asked who the individuals were on the allocation review committee and why CRC was denied funding. She expressed concern with the process relying on others to review the applications and taking the responsibility away from Governing Body as a whole.

Sasha Haehn, Department of Neighborhood Relations Director, stated the individuals on the allocation review committee are grant professionals within the community who are professional qualified to score the applications and assist the agencies with filling out the applications.

Jim Colson, City Manager, stated the Governing Body voted to change the process by vetting the applications through a committee followed by approval of the Governing Body. He stated they would research how the allocation review committee was formed and report back to the Governing Body.

Councilmember Clear stated she believes there is still room for improvement; however, all her questions were answered and the process went well.

Deputy Mayor De La Isla stated she believes the panel of professionals has an objective point of view in assisting the organizations achieve the grants as well as enhances the process as it allows the ECD Committee to be stewards of the funds entrusted to the City.

Councilmember Hiller commended the ECD Committee for working hard on the grant process and taking the time to evaluate the process each year for improvement.

The motion to approve the 2017 Social Services and Contracted Services allocations in the amount of \$784,881 carried. Mayor Wolgast voted “yes.” Councilmember Ortiz voted “no.” (9-1-0)

APPROVAL of the 2017 Transient Guest Tax allocations in the amount of \$2,781,123 was presented.

Councilmember Schwartz reported approval would allocate \$1,459,954 to Visit Topeka Inc.; \$203,285 to Visit Topeka BID Fund; \$372,535 to Sunflower Soccer Special Assessments; \$55,622 for Administrative Fees and Other; \$268,272 to Downtown Plaza; \$23,430 to Evel

Knieval Museum; \$53,108 to Jayhawk Theater; \$27,725 to Constitution Hall; \$132,386 in contingency funds; and \$184,804 transfer to the General Fund for the Topeka Zoo.

Councilmember Schwartz moved to approve the 2017 Transient Guest Tax allocations in the amount of \$2,781,123. The motion was seconded by Councilmember Coen.

Councilmember Jensen stated he would abstain from voting as he serves on the Jayhawk Theater Board of Directors.

Councilmember Clear questioned the contingency fund and if any funds are carried over from previous years.

Doug Gerber, Deputy City Manager, stated TGT revenues are estimated annually; therefore, the contingency fund is beneficial when revenues come in less than anticipated. He noted he would research the amount of funds carried over each year and report back to the Governing Body.

Councilmember Hiller commended the Transient Guest Tax Committee for their work and stated the contingency fund is very important as it becomes useful when revenues fall short of estimates for the year.

Councilmember Schwartz read an email response from Vince Frye, Downtown Topeka Inc., President and Chief Executive Officer, regarding the downtown plaza project. She stated a potential site has been discussed; however, the Mayor and City Manager have asked Mr. Frye to take more time on deciding where to construct the plaza and once a location has been determined the project would move forward.

Joseph Ledbetter expressed concern with the Jayhawk Theater and Constitution Hall allocations as both projects have been ongoing for many years. He expressed the importance of a plan of action as they move forward to make both properties operational.

The motion to approve the 2017 Transient Guest Tax allocations in the amount of \$2,781,123 carried. Mayor Wolgast voted “yes.” Councilmember Jensen abstained. (9-0-1)

ESTABLISHING a public hearing date of August 9, 2016, for the purpose of hearing and answering objections of taxpayers relating to the proposed City of Topeka 2017 Operating Budget; setting the maximum expenditure limits; and authorize the publication of the public hearing notice in the Topeka Metro newspaper was presented.

Doug Gerber, Deputy City Manager, reported approval authorizes the public hearing notice to be published in the Topeka Metro newspaper on July 18, 2016; sets the maximum expenditures limit and approves a public hearing date of August 9, 2016. He noted the final budget numbers include all the Budget Committee meeting discussions as well as the adjustment in the General Fund for the increase in pay for governing body members, summer youth employment program and Department of Neighborhood Relations neighborhood events. He stated discussions regarding employee healthcare insurance have been ongoing with Blue Cross Blue Shield and an increase was received slightly over 19% which equals approximately \$497,000 in the General Fund. He commented on the increase and would provide a staff recommendation after the cost-share agreements with the bargaining units are resolved to accurately present the final numbers to the Governing Body.

Jim Colson, City Manager, clarified staff is not recommending any changes to the overall budget totals and he is confident there will be various opportunities to make adjustments without increasing the limit.

Councilmember Clear asked if other healthcare options have been considered.

Jim Colson reported employee healthcare insurance is bid every year.

Councilmember Schwartz expressed her appreciation to staff for providing thorough details in the budget.

Councilmember Harmon moved to establish the public hearing date of August 9, 2016; set the maximum expenditure limits and authorize the publication of the public hearing notice in the Topeka Metro newspaper. The motion seconded by Councilmember Ortiz carried unanimously. (10-0-0)

DISCUSSION and overview of the City of Topeka 2017 Consolidated Annual Action Plan; and ESTABLISHING a public hearing date of August 9, 2016, for the purpose of obtaining public input on the 2017 City of Topeka Consolidated Annual Action Plan was presented.

Sasha Haehn, Department of Neighborhood Relations Director, reported approval would establish a public hearing date of August 9, 2016 for the purpose of considering the 2017 Consolidated Annual Action Plan. She stated the City's Department of Neighborhood Relations, Division of Housing Services receives the majority of its funding from the U.S. Department of Housing and Urban Development (HUD) which requires the City to submit an Annual Action Plan that outlines the detailed programming and projects for the upcoming year. She noted submitting the plan to HUD would help secure approximately \$5.8 million in federal grant funding, General Fund and Capital Improvement Budget (CIB) funds for housing and neighborhood improvements and economic development as well as social services in the community.

Councilmember De La Isla moved to approve a public hearing date of August 9, 2016. The motion was seconded by Councilmember Jensen.

Councilmember Clear asked if the percentages for each program stay similar each year.

Councilmember Ortiz asked if there was funding allocated for youth programs in the community.

Sasha Haehn reported some amounts are required as “set” caps each year; however, generally the activity areas do not change drastically as the community feels these are good service provisions to meet the needs of the community; and youth programs would be funded under the “Social Services” line item with Community Development Block Grant and CIP/General Funds.

Mayor Wolgast encouraged Governing Body members to become engaged in the funding process to learn how all the programs function within the community.

The motion to approve a public hearing date of August 9, 2016 carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

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

Mayor Wolgast announced there would be no City Council meetings on July 19 and 26, 2016, as well as August 2, 2016.

Jim Colson, City Manager, announced a Public Health and Safety Committee meeting is scheduled for July 19, 2016 at the Law Enforcement Center located at 320 S Kansas Avenue to discuss the dangerous dog ordinance amendments; and a Community Party at the Topeka Zoo would be held on July 20, 2016 at 10:00 a.m. to celebrate the grand opening of Kay’s Asian Garden. He recognized the Topeka Police Department for their participation in local communities and building important relationships with citizens. He thanked the community for supporting public safety.

Councilmember Jensen stated the Jayhawk Theater project has not advanced as it should and the Jayhawk Theater Board of Directors has recognized the need to reevaluate the plan

accordingly; therefore, the revised plan aligns with an exciting downtown vision. He invited everyone to tour the Jayhawk Theater building with him to see the improvements being made to the structure.

Councilmember Schwartz announced the Topeka Zoo's Zoobilee event was well attended and thanked the many volunteers involved with the event. She announced the Topeka Zoo would host a grand opening celebration in honor of Kay's Asian Garden on July 20, 2016 at 10:00 a.m. She also announced this week's "gem" of Topeka is the City's salaried employees. She questioned why salaried employees have to use their accumulated compensation time within the same time period or lose it and asked staff to research how other cities handle employee compensation time. She encouraged everyone to vote at the Primary Election on August 2, 2016.

Councilmember Coen announced the Helping Hands Humane Society would host a Summer SideWoof event on July 22-23, 2016 at the Fairlawn Plaza; and National Night Out Against Crime events would be held in various neighborhoods throughout the city on August 6, 2016.

Councilmember Hiller commended Nickie Roberts for being presented with the July Champion of Character Award by the Topeka City of Character organization. She suggested a presentation be scheduled during a Council meeting on the Heartland Healthy Neighborhoods initiative. She encouraged people to participate in the Cyclovia Bike Fest event July 29-31, 2016. She encouraged everyone to vote on August 2, 2016.

Councilmember Clear encouraged the community to participate in the Fiesta Mexicana events July 12-16, 2016.

Councilmember Emerson reported many citizens have expressed their concern to him regarding the progression of the street project at SE 37th Street and SE California Avenue and stated it was discovered there are many conflicts with utility lines and the City's Public Works

staff is working with utility companies to solve these issues so the project can move forward. He commended the Topeka Zoo staff for hosting zoo interns from all over the nation.

Ted Mize, Joseph Ledbetter and Josh Miller appeared to speak under public comment.

Councilmember Coen moved to recess into executive session for a time period not to exceed five minutes to discuss a tort claim and to include the Governing Body, City Manager, Deputy City Manager, City Attorney and staff. The motion seconded by Councilmember Harmon carried unanimously. (10-0-0)

At 7:47 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 five minutes to discuss a workers' compensation settlement and to include the Governing Body, City Manager, Deputy City Manager, City Attorney, Human Resources Director and staff. The motion seconded by Councilmember Jensen carried unanimously. 10-0-0

At 7:56 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 10 minutes to discuss contract negotiations and to include the Governing Body, City Manager, Deputy City Manager, City Attorney and staff, Human Resources Director, Finance Director and staff. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

At 8:09 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 20 minutes to discuss employer-employee contract negotiations and to include the Governing

Body, City Manager, Deputy City Manager, City Attorney and staff, Human Resources Director, Finance Director and staff. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)

At 8:32 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 8:32 p.m.

Brenda Younger
City Clerk