

Council Minutes – July 21, 2015

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 21, 2015. 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, Pastor Titus Terry, Victory City Church, gave the invocation.

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

Jim Colson, City Manager, reported he has asked Topeka Police Chief James Brown to brief the Governing Body and community on recent violet crimes in the Hi-Crest Neighborhood area. He expressed his appreciation to the partnering agencies assisting the Topeka Police Department in resolving the situation.

James Brown, Topeka Police Chief, provided a briefing on the crime situation in the Hi-Crest Neighborhood. He reported an Organized Crime and Gang Unit has been created to address the increased drug and gang problems and 20 to 30 officers have been assigned to patrol the Hi-Crest Neighborhood area. He thanked outside agencies and local organizations for working with the Topeka Police Department in addressing crime in the Capitol city of Kansas.

Governing Body members expressed their appreciation to the Topeka Police Department and commended officers for their excellent display of character in making residents in the Hi-Crest Neighborhood area feel cared for and making the community a better place.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the reappointment of Mark McGivern to the Topeka Public Building Commission for a term ending June 1, 2019, was presented.

RESOLUTION NO. 8605 introduced by Councilmember Karen Hiller, granting Downtown 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. 8606 introduced by Councilmember Karen Hiller, approving a special event known as the “Cruisin’ the Capitol” Car Show was presented.

MINUTES of the regular meeting of July 14, 2015, was presented.

Councilmember Ortiz moved to approve the consent agenda. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

PUBLIC HEARING NOTICE

A PUBLIC HEARING regarding the proposed issuance by the City of Topeka of its Housing and Health Care Improvement Refunding Revenue Bonds, Series 2015 (Brewster Place Project) (the “Series 2015 Bonds”) in a maximum principal amount of \$8,190,000.

ORDINANCE NO. 19959 introduced by City Manager Jim Colson, authorizing the City of Topeka, Kansas, to issues its Housing and Health Care Improvement Refunding Revenue Bonds, Series 2015 (Brewster Place Project) in the principal amount not exceeding \$8,190,000 for the purpose of currently refunding the City’s outstanding Series 2010 Brewster Place Project Housing and Health Care Improvement Revenue Bonds together with paying the cost thereof; authorizing the execution of a sixth supplemental indenture by and between the City and Corefirst Bank and Trust, Topeka, Kansas, as Trustee; authorizing the execution of a sixth supplemental lease by and between the City and The Congregational Home, A Kansas Not-For-Profit Corporation; and authorizing the approving certain additional documents and actions in connection with the issuance of said bonds was presented.

Jim Colson, City Manager, stated the project provides an opportunity for Brewster Place to refinance bonds and save money without incurring new debt. He noted the City's bond counsel and applicant were present for questions.

Brandon Kauffman, Chief Fiscal Officer, reported the applicant as requested the refunding of the City's outstanding Series 2010 Brewster Place Project Housing and Health Care Improvement Revenue Bonds to achieve interest cost savings for Brewster Place. He stated approval would authorize the issuance of bonds in the principal amount not too exceed \$8,190,000 and the City has no financial obligation to repay the principal and interest payments as it will be the sole responsibility of Brewster Place.

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 De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Hiller carried unanimously. Councilmember Harmon abstained. Mayor Wolgast voted "yes." (9-0-1)

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

ORDINANCE NO. 19960 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of May 30, 2015, through July 3, 2015, and enumerating said expenditures therein was presented.

Doug Gerber, Director of Administration and Financial Services, reported approval would allow expenditures in the amount of \$20,335,448.40.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Clear carried unanimously. (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.

ESTABLISHING a public hearing date of August 11, 2015, for the purpose of hearing and answering objections of taxpayers relating to the proposed City of Topeka 2016 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, Director of Administration and Financial Services, reported approval would establish a public hearing date of August 11, 2015, for the 2016 City of Topeka Operating Budget, set maximum expenditures amount and authorize the notice of public hearing to be published in the July 27, 2015, edition of the Topeka Metro Newspaper.

Councilmembers asked for clarification on the election line item budget; and questioned if the expenditure level allows for the hiring of 15 firefighters and a public fire education person by the end of the year.

Jim Colson, City Manager, stated the 2016 Fire Department Operating Budget allows funding of full strength operations to include 245 firefighters.

Greg Bailey, Topeka Fire Chief, reported the amount of firefighters being hired by the end of the year would depend on the promotional process followed by operational analysis of filling vacancies, this would include the position for public fire education.

Doug Gerber stated the election line item budget was reduced from \$91,000 to \$31,000 because there would be no local elections in 2016.

Councilmember Hiller moved to establish a public hearing date of August 11, 2015, for the purpose of hearing and answering objections of taxpayers relating to the proposed City of Topeka 2016 Operating Budget, set maximum expenditures amount and authorize the notice of

public hearing to be published in the July 27, 2015, edition of the Topeka Metro Newspaper. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.”

(10-0-0)

DISCUSSION regarding a Youth Advisory Council for the Topeka Zoo was presented.

Brenden Wiley, Topeka Zoo Director, stated he was excited to introduce the new Topeka Zoo Youth Advisory Council program to engage youth in the creation and implementation of programs and services that affect other youth in regards to the operation of the Zoo.

Kate Larson, Director of Friends Of Topeka Zoo (FOTZ), reported on the Topeka Zoo Youth Advisory Council mission statement, why it was created, how the Advisory Council would be involved with the Topeka Zoo, potential collaborative partners, the life skills each member should possess, the nomination process and implementation timeline.

Concilmembers commended FOTZ for their collaboration with the Topeka Zoo in creating the program and asked the following questions:

- Who would serve on the review committee in regards to selecting members.
- Would the program include homeschooled teens.
- How would the program relate to the City of Topeka Summer Youth Program or would it be considered a volunteer intern program.
- Would the Governing Body be included in the application process.

Brenden Wiley stated the review committee process would be led by Larry Robins, Topeka Public Schools Deputy Superintendent of Operations; the program would be available to all area youth included those being homeschooled; and they would welcome referral letters from all members of the Governing Body.

DISCUSSION regarding Council-initiated items being added to the Council agenda was presented.

Jim Colson, City Manager, reported staff is proposing a more consistent process for adding Council-initiated items to the Council agenda by Councilmembers that would support and encourage dialog between staff and Councilmembers.

The following ideas were expressed by Councilmembers:

- Proposals should be presented to the City Manager first because it is good business
- Sufficient research time is crucial in the process allowing Governing Body members to make objective fact-based decisions
- Enlist additional council persons to review proposals allowing them to serve as co-sponsors
- Transparency must take precedence in the process
- Governing Body members need to be respectful of staff time and continue to utilize the council committee process
- Discussion must be included in the process to allow proposals to be vetted properly and provide a mechanism for improved communications with constituents

Mary Feighny, Deputy City Attorney, cautioned Governing Body members to be mindful of potential Open Meetings Act violations and avoid serial communication between members.

Councilmember Schwartz requested her proposals relating to e-cigarettes and towing vehicles be placed on the August 4, 2015, Council agenda for discussion.

Councilmember Ortiz requested the ordinance concerning public nudity be placed on the August 4, 2015, Council agenda for discussion.

Jim Colson reported the goal would be to identify how the proposal would impact the City operationally and financially as well as what other cities are doing in regards to the subject matter. He stated transparency was a key factor in the process and by presenting proposals as Discussion Items on the Council agenda it would provide a good approach to making a more informed decision. He noted there would be five proposals placed on the August 4, 2015, Council agenda for discussion. The process was summarized as follows:

1. Councilmembers may bring proposals to the City Manager.
2. Staff will research the request. It is anticipated research will take no more than two weeks, if longer time is needed Councilmembers will be notified.

3. The proposal will be placed on a Council agenda for discussion the first meeting after the two week research period.
4. Following discussion, if the Governing Body decides to pursue the proposal, the Legal Department will develop ordinance language and it will be placed on the Council agenda as an Action Item.

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

Councilmember Ortiz commended the Topeka Housing Authority for working with the City of Topeka in providing a community base for Community Officers.

Governing Body members thanked Topeka Police Officers in addressing the Hi-Crest crime situation by working with Hi-Crest residents to rebuild the neighborhood and restoring safety.

Councilmember Schwartz thanked residents for being involved in local government and their willingness to serve on community groups for economic development. She recognized Ted Mize for restoring fire hydrants throughout the city as well as Jim “The Gypsy” George for restoring Animal Land in Gage Park and stated they are this week’s “gem” of Topeka.

Councilmember Clear encouraged everyone to attend the Community Planning Workshop meeting sponsored by the Topeka and Shawnee County Public Library and Heartland Visioning on July 28, 2015, from 6:30 p.m. to 8:00 p.m. at the Sacred Heart Catholic Church located at 312 NE Freeman Avenue.

Lazone Grays appeared to speak under public comment.

Councilmember Hiller moved to recess into executive session for a time period not to exceed five minutes to discuss attorney-client privileged matters regarding potential litigation and to include City Manager Jim Colson, Administration and Financial Director Doug Gerber, Deputy City Attorney Mary Feighny and Assistant City Attorney Seth Lowry. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

At 8:00 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action had been taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:00 p.m.

Brenda Younger
City Clerk