

Council Minutes – September 6, 2016

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 6, 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 and Coen -6. Absent: Councilmembers Jensen, Schwartz and Harmon -3. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Rabbi Debbie Stiel, Temple Beth Sholom, gave the invocation.

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

Jim Colson, City Manager stated Council agenda item 5D, an ordinance amending zoning at 500 and 520 SW 27th Street would be withdrawn from the Council agenda. He reported City ordinance requires all governing body members be present when considering a zoning matter in which a protest petition has been filed. He noted staff will reschedule the matter for a later date.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8804 introduced by Councilmember Sandra Clear, granting Heritage Christian School an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented.

RESOLUTION NO. 8805 introduced Councilmember Karen Hiller, approving a special event known as Bread and Roses Benefit Concert and approving the issuance of a special event retailer's permit was presented.

MINUTES of the regular meeting of August 16, 2016, was presented.

Councilmember Coen moved to approve the consent agenda. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted "yes." (7-0-0)

PUBLIC HEARING NOTICE

A PUBLIC HEARING to consider the advisability of establishing a Community Improvement District for the Cyrus Hotel located at 912-924 S. Kansas Avenue.

ORDINANCE NO. 20020 introduced by City Manager Jim Colson, establishing a Community Improvement District (CID) for the Cyrus Hotel located at 912-924 S. Kansas Avenue levying a CID sales tax of one percent (1%) within the CID was presented.

Brandon Kauffman, Finance Department Director, provided an overview of the Community Improvement District (CID) project application process. He reported an application was submitted by AIM Strategies, Inc., to create a CID on S. Kansas Avenue and noted all requirements of the process have been met by the applicant.

Mayor Wolgast opened the public hearing and asked if there was anyone present who would like to speak to the matter.

Mike Morse spoke in support of the community improvement district and the dramatic difference the project would make for the downtown area as well as the overall real estate in Topeka.

Cody Foster, AIM Strategies, Inc., spoke in support of the community improvement district. He reported they are investing over \$26 million for the project and only the people utilizing the property would pay the extra 1% sales tax. He thanked City staff for the professionalism and leadership displayed during the process.

Leo Hafner stated he supports the project; however, he opposes the community improvement district concept. He stated he believes the extra tax is unnecessary as well as it gives the Cyrus Hotel a marketing advantage over other area hotels. He questioned if the CID would have an effect on the issuance of the Improvement Revenue Bonds (IRBs) by the County.

Councilmember Harmon entered the room.

Vince Frye, Downtown Topeka Inc., President and Chief Executive Officer, spoke in support of the project and thanked the governing body for their support and continued improvements to the downtown area.

Matt Pivarnik, GO Topeka President and Chief Executive Officer, spoke in support of the project and stated it would promote the overall general welfare of the community and enhance economic development in the downtown area.

Upon hearing no further comments, Mayor Wolgast announced the public hearing was closed.

Councilmember Hiller asked Mr. Kauffman if the CID would conflict with the City's ability to levy an extra 1% sales tax when the bonds are secured.

Brandon Kauffman reported the CID would have no effect on issuance of IRBs by the County and it would be the sole responsibility of the developer to pay the bonds.

Councilmember Ortiz asked if the development fails, would the financial effect be similar to the Heartland Park situation.

Jim Colson, City Manager, stated the CID project is structured in a completely different manner than Heartland Park as it relieves the City and Shawnee County from any financial responsibility.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Hiller carried unanimously. Mayor Wolgast voted "yes." (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Coen, Harmon and Mayor Wolgast -8. Absent: Jensen and Schwartz -2.

RESOLUTION NO. 8806 introduced by City Manager Jim Colson, relating to the lease purchase of one company apparatus (Truck 11) and two engine apparatus (Fire Stations 3 and 11) was presented. (*Contract No. 45364*)

Brandon Kauffman, Finance Director, reported approval would authorize the lease purchase agreement for one company apparatus truck and two engine apparatus and obligate the City to repay \$186,218 per year for the next 10 years.

Councilmember De La Isla moved to approve the resolution. The motion seconded by Councilmember Clear carried unanimously. Mayor Wolgast voted “yes.” (8-0-0)

ORDINANCE NO. 20021 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of July 2, 2016, through July 29, 2016, and enumerating said expenditures therein was presented.

Doug Gerber, Deputy City Manager, stated approval would authorize City expenditures in the amount of \$24,132,781.92.

Councilmember Clear moved to adopt the ordinance. The motion seconded by Councilmember Emerson carried unanimously. Mayor Wolgast voted “yes.” (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Coen, Harmon and Mayor Wolgast -8. Absent: Jensen and Schwartz -2.

ORDINANCE NO. 20022 introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Topeka Municipal Code Section 18.50.050 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 1025 SW Western Avenue in the City of Topeka, Kansas, from “R-2” Single-Family Dwelling District TO “PUD” Planned Unit Development District (“R-2” Single-Family

Dwelling use group plus a “Correctional Placement Residence” only as indicated in the statement of operations stated herein) was presented. (*PUDI6/3*)

Bill Fiander, Planning Department Director, reported approval would allow the house at 1025 SW Western to be used as a correctional placement residence as conditioned in the Planned Unit Development (PUD) outlined in the ordinance. He stated the Planning Commission and the Planning Department recommend approval of the proposal; and the applicant has agreed to tie the zoning amendment to the Statement of Operations to ensure the residence is used for the intended purpose.

Councilmember Ortiz asked how changes to the PUD would be allowed.

Councilmember Emerson asked if any problems with the property have been reported since it began operation 18 months ago.

Bill Fiander stated any changes to the PUD would require approval by the Planning Commission and the Governing Body and no unusual issues have been reported.

Councilmember Hiller commended the Planning staff and applicants for a successful zoning process and ensuring certain protections were in place for neighborhood residents as well as for the applicants.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Emerson carried unanimously. Mayor Wolgast voted “yes.” (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Coen, Harmon and Mayor Wolgast -8. Absent: Jensen and Schwartz -2.

ORDINANCE NO. 20023 introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Topeka Municipal Code Section 18.50.050 of the Code of the City of Topeka, by providing for certain changes in zoning on

property located at 1175 SW Clay Street in the City of Topeka, Kansas from “R-2” Single-Family Dwelling District TO “PUD” Planned Unit Development District (“R-2” Single-Family Dwelling use group plus a “Correctional Placement Residence” only as indicated in the statement of operations, as stated herein) was presented. (*PUD16/4*)

Bill Fiander, Planning Department Director, reported approval would allow the residence to be renovated and used as a correctional placement residence as indicated in the ordinance reclassifying the property.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Coen, Harmon and Mayor Wolgast -8. Absent: Jensen and Schwartz -2.

DISCUSSION of a Quit Claim Deed for the Helping Hands Humane Society (HHHS) property located at 2625 NW Rochester Road was presented.

Lisa Robertson, City Attorney, reported approval would authorize the City Manager to execute a quit claim deed to HHHS which would divest the City of its reversionary interest in three acres of property located at 2625 NW Rochester Road to allow HHHS to sell the property.

Shawn Leisinger provided an extensive overview of the history and current condition of the property. He reported there is a person interested in purchasing the property for commercial use.

Councilmember Clear questioned how the animals were disposed of after 1981 and if they advertised the sale of the property.

Councilmember Hiller asked what would be the best use of the land and could it be divided into parcels for a subdivision.

Shawn Leisinger stated he has been informed animals were cremated after 1981; the property was not advertised because the interested party has the financial stability as well as an established commercial business that fits the best use of the property; the property is not conducive to a subdivision development due to surrounding properties, various parcel restrictions and the high cost of demolition.

Roger McCauley asked the City to donate their portion of the proceeds as well as set up a fund from the taxes generated from the property to help in local efforts to control stray and homeless animals.

DISCUSSION regarding (1) the Management and Executive Market Comparability Study and (2) the Management and Executive Classification and Pay Plan was presented.

Gale Meriweather, Gallagher Benefit Services, provided an overview of the compensation study results including internal equity; external competitiveness and the proposed City of Topeka 2016 Management Structure.

Jacque Russell, Human Resources Department Director, reported the resolution to approve the salary range system would be presented to the Governing Body for consideration on September 13, 2016, and if approved, staff would continue to work with Ms. Meriweather to develop (1) a pay plan based on performance management and (2) the necessary administrative regulations to accommodate a new policy.

DISCUSSION on the status of the City Council Rules and Procedures was presented.

Councilmember Hiller, Policy and Finance Committee Chair, reported the committee discussed the issue on July 26, 2016 and August 19, 2016; however, no action was taken as more discussion was needed. She stated the committee has deliberated the procedural issues which are set for consideration of the Governing Body; however, the committee would continue discussing

various statutory issues and the role of the deputy mayor at their next meeting scheduled for September 30, 2016 from 3:00 p.m. to 5:00 p.m. to also address Record Fees and Council Training Rules.

DISCUSSION concerning the Transient Guest Tax Development Agreement with Friends of the Free State Capitol, Inc., a not-for-profit corporation, in relation to the Constitution Hall project was presented.

Lisa Robertson, City Attorney, provided a general overview of the project including the preliminary development component, physical component, reporting requirements and distribution of allocated funds as outlined in the development agreement.

Grant Glenn, Free State Capitol, Inc., provided a presentation on the scope of the project as it relates to the position of the group and the challenges associated with the project.

Councilmember Clear asked who would assist with the grant process and why the project plans include a tavern.

Grant Glenn stated volunteers would help with the grant process and other operational needs; and a tavern or “gathering place” has been included in the overall plan to generate revenue to support the operations of Constitution Hall.

Councilmember Ortiz expressed her excitement of the project and stated she looks forward to the development.

Councilmember Hiller spoke in support of the project and commended the applicant for presenting a solid plan for the future.

Joseph Ledbetter questioned the final timeline in regards to a completed project. He asked how public funds would be utilized and if any board members would be required to have a

background in construction. He suggested the organization provide board meeting minutes to the Governing Body on a routine basis so they remain apprised on project status and operations.

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

Jim Colson, City Manager, announced the 17th Annual Make A Splash Topeka Water Festival at Garfield Park and Community Center is scheduled for September 15, 2016, from 9:30 a.m. to 2:00 p.m. He also announced the Topeka-Shawnee County Homeless Task Force is hosting the 5th Annual Co-Rec Softball Tournament on September 10, 2016, at Rueger Softball Complex located at SW 29th Street and S. Kansas Avenue starting from 8:00 a.m. to 6:00 p.m.; and the Battle of the Barrels Food Drive between City Hall and Cyrus K. Holliday Building would take place between August 25, 2016 and September 9, 2016. He stated both events will benefit Harvesters, a Community Food Network that provides food for hungry children, families and seniors in our community.

Jason Geier, Municipal Court Administrative Judge, announced Topeka Municipal Court would host “Clean Slate Day” on October 14, 2016, in which the Court will work with people to pull warrants, set new court dates and set up payment plans and other options to pay fines.

Mayor Wolgast distributed a list of board vacancies advising council members of board openings and noted more detailed information could be found on the City’s website. He announced he is attending monthly meetings with Mayors from the cities of Lawrence and Manhattan to discuss similar city issues.

Councilmember Hiller commended City staff for their hard work and inviting governing body members to take part in processes and policy changes. She encouraged citizens to take part and provide input at the National Park Service charrettes to explore design and interpretive

alternatives for the historic Pappan's Ferry Landing site and future Topeka Riverfront Park in relation to the Oregon-California National Historic Trail routes.

Councilmember Clear announced the Sheepdog Impact Assistance organization would host the Patriot Day Car Show on September 10, 2016, at 9:00 a.m. at the Kansas Expo Centre. She stated the event would be held in honor of the fallen and in appreciation of the service and sacrifice of military, law enforcement, fire and emergency personnel on the 15th anniversary of September 11, 2001.

Councilmember Ortiz asked the Mayor to continue emailing board vacancies to governing body members because she finds it very helpful. She encouraged the Governing Body to support Police Chief James Brown and provide him with what is needed to help reduce violent crimes in Topeka.

Councilmember Emerson announced the City Municipal Court would host several "Meet the Judge" community outreach events beginning September 8, 2016, at Hillcrest Community Center from 6:00 p.m. to 6:30 p.m.; September 14, 2016, at Central Park Community Center; September 15, 2016, at Garfield Community Center and September 22, 2016, at Oakland Community Center.

Councilmember De La Isla announced in honor of Councilmember Schwartz this week's "gem" of Topeka is City staff members. She commended Governing Body members for working together and making Topeka a better community to work, live and play.

Nellie Hogan, Deborah Edwards, Aaron Edwards and Joseph Ledbetter appeared to speak under public comment.

Councilmember Harmon left the room.

Councilmember Coen moved to recess into executive session for a time period not to exceed 10 minutes to discuss pending litigation and to include the Governing Body, City Manager, Deputy City Manager, City Attorney and staff. The motion seconded by Councilmember Clear carried unanimously. Mayor Wolgast voted “yes.” (7-0-0)

At 9:00 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 real estate property acquisition and to include the Governing Body, City Manager, Deputy City Manager and City Attorney. The motion seconded by Councilmember Coen carried unanimously. Mayor Wolgast voted “yes.” (7-0-0)

At 9:12 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 15 minutes to continue discussion on real estate property acquisition and to include the Governing Body, City Manager, Deputy City Manager and City Attorney. The motion seconded by Councilmember Clear carried unanimously. Mayor Wolgast voted “yes.” (7-0-0)

At 9:27 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 15 minutes to discuss privileged attorney-client communication and to include the Governing Body, City Manager, Deputy City Manager, City Attorney, Police Chief and Interim Fire Chief. The motion seconded by Councilmember Coen carried unanimously. Mayor Wolgast voted “yes.” (7-0-0)

At 9:40 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 30 minutes to discuss non-elected personnel matters and to include the Governing Body, City Manager and Police Chief. The motion seconded by Councilmember Coen carried unanimously. Mayor Wolgast voted “yes.” (7-0-0)

At 10:10 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 15 minutes to continue discussion of non-elected personnel matters and to include the Governing Body, City Manager and Police Chief. The motion seconded by Councilmember Coen carried unanimously. Mayor Wolgast voted “yes.” (7-0-0)

At 10:25 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 10:30 p.m.

Brenda Younger
City Clerk