

## **Council Minutes – September 13, 2016**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 13, 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, Coen and Harmon -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Schwartz -1.

AFTER THE MEETING was called to order, Pastor Jeff Rhodes, Topeka Bible Church, gave the invocation.

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

THE CITY OF TOPEKA was recognized by Amy Pinger, Harvesters Community Engagement Manager, for their participation in the 5<sup>th</sup> Annual Hunger Games and Harvesters Food Drive.

THE CONSENT AGENDA was presented as follows:

DENIAL of Tort Claim submitted by Lisa Johnson in the amount of \$10,000,000 for damages she allegedly suffered during the course of her arrest was presented.

BOARD APPOINTMENT recommending the reappointment of Carole Jordan to the Topeka Planning Commission for a term ending September 30, 2019, was presented.

BOARD APPOINTMENT recommending the reappointment of Larry Robbins to the Topeka Public Building Commission for a term ending August 1, 2020, was presented.

RESOLUTION NO. 8807 introduced Councilmember Sandra Clear, approving a special event known as the Halloween Street Fair in NOTO was presented.

RESOLUTION NO. 8808 introduced by Councilmember Karen Hiller, approving a special event known as Forge Fest was presented.

RESOLUTION NO. 8809 introduced by Councilmember Karen Hiller, granting Fast Forward an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8810 introduced by Councilmember Karen Hiller, approving a special event known as the Capital City Jazz and Food Truck Festival was presented.

RESOLUTION NO. 8811 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. 8812 introduced by Councilmember Sylvia Ortiz, granting S.U.C.C.E.S.S. 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 September 6, 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.” (9-0-0)

ORDINANCE NO. 20024 introduced by City Manager Jim Colson, imposing a real estate lien, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for utility services where such payments to the City have not been made due to neglect, failure or refusal to pay was presented.

Doug Gerber, Deputy City Manager, reported approval would authorize the imposition of charges for delinquent utility accounts on the property tax rolls in the amount of \$113,142.91.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Coen 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, Coen, Harmon and Mayor Wolgast -9. Absent: Schwartz -1.

APPROVAL of a Quit Claim Deed for the Helping Hands Humane Society (HHHS) property located at 2625 NW Rochester Road was presented. (*Deed No. 4266*)

Lisa Robertson, City Attorney, reported a detailed overview of the seven-acre parcel was provided at the September 6, 2016, Council meeting and Shawn Leisinger, HHHS Legal Counsel was present for questions. She stated approval would authorize a quit claim deed to HHHS divesting 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, HHHS Legal Counsel, reported the buyer interested in the property would operate an established commercial business and return the property to the tax rolls.

Councilmembers Hiller and Clear questioned if other options were explored for use of the parcel including offers from major area developers; and if the sale of property was advertised.

Shawn Leisinger reported the sale of property was not advertised. He stated other options were explored for the use of the property; however, the parcel is located in a floodplain making it difficult to develop and insure as well as demolition of the property could cost up to \$30,000.

Lisa Robertson reported the City has not received any offers from interested parties.

Councilmember Jensen moved to approve the quit claim deed. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

APPROVAL of a 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. (*Contract No. 45376*)

Lisa Robertson, City Attorney, reported approval of the development agreement would grant Transient Guest Tax funding over the course of 12 years in the total amount of \$355,000 for the Constitution Hall project. She proposed amending the language on lines 300-301 and line 303 of the ordinance by adding “or provide” after the word “receive” of the development agreement to ensure that the procurement process would be covered by and through the particular provision of the agreement.

Grant Glenn, Friends of the Free State Capitol, Inc., appeared for questions.

Jim Ogle spoke in support of the project and asked the Governing Body to approve the development agreement.

Councilmember Hiller moved to approve the development agreement as amended. The motion seconded by Councilmember Clear carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

RESOLUTION NO. 8813 introduced by City Manager Jim Colson, approving management and executive compensation plans was presented.

Jacque Russell, Human Resources Department Director, reported approval would provide a compensation structure for a salary range model based on market comparability and employee performance for management and executive employees. She noted the financial impact of any compensation plan is addressed as part of the annual budget process.

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

DISCUSSION of a memorial designation for the segment of SE Lime Street, lying between SE 6<sup>th</sup> and SE 7<sup>th</sup> Streets as Reverend Dr. W.L. Templeton Memorial Drive was presented. (SNC16/1)

Jim Colson, City Manager, expressed his appreciation to the community for taking pride in local heritage and memorializing those individuals such as Dr. W.L. Templeton who have made great contributions to the community.

Bill Fiander, Planning Department Director, reported the designation would recognize Reverend Dr. W.L. Templeton as an individual who served the community for many years and worked to improve East Topeka neighborhoods as well as many aspects of the city including public safety, improving neighborhoods, education and civil rights. He noted the applicant has met all the requirements as outlined in City Code and staff recommends approval of the street designation to be presented for consideration at the September 20, 2016, Council meeting.

Pastor E. Bernard Herd, Paula Rooks, Tiffany Criss and Henry Austin Jr., spoke in support of the street designation and expressed their appreciation of Dr. W.L. Templeton's great acts of kindness.

Councilmember Ortiz expressed her appreciation to Dr. W.L. Templeton and the positive effect he had on her life.

DISCUSSION of changes to the ordinance concerning expungement of certain convictions in municipal court was presented.

Chuck Kitt, Chief of Prosecution, reported the City's current ordinance starts the application waiting period only when the monetary requirements are fulfilled and many defendants have to wait much longer to petition for expungement than other defendants who have the financial ability to pay their fines and costs immediately after sentencing. He stated the proposed amendment would enable financially fragile defendants who have satisfied all of the requirements of the sentence, diversion agreement or probation, except for financial requirements to apply for expungement by paying the remainder of any costs, fees and fines at

the time of the application. He noted this process would treat all defendants equally regardless of financial resources.

Councilmember Hiller questioned if expungement and diversion regulations were reviewed for consistency throughout City Code in regards to related items.

Jim Colson, City Manager, stated staff would address Councilmember Hiller's questions at a later date as the current proposed changes relate to the financial aspect of the process.

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

Jim Colson, City Manager, announced the 17<sup>th</sup> Annual Make A Splash Topeka Water Festival would be held on September 15, 2016, at Garfield Park and Community Center from 9:30 a.m. to 2:00 p.m.

Mayor Wolgast recognized the importance of community heritage and cultural diversity in the city of Topeka.

Councilmember Hiller encouraged citizens to view "Topeka 365" at [www.visittopeka.com](http://www.visittopeka.com) to find out about various events happening in Topeka.

Councilmember Emerson thanked Jason Peek, Public Works Director, for touring Council District No. 4 and assessing the district's street conditions.

Joseph Ledbetter and Deborah Edwards appeared to speak under public comment.

Councilmember Harmon moved to recess into executive session for a time period not to exceed 10 minutes to discuss potential litigation and to include the Governing Body, City Manager, Deputy City Manager, City Attorney, Human Resources Director and staff. The motion seconded by Councilmember Clear carried unanimously. Mayor Wolgast voted "yes."  
(9-0-0)

At 7:43 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 7:45 p.m.

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Brenda Younger  
City Clerk