

Council Minutes – September 15, 2015

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 15, 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, Councilmember De La Isla gave the invocation.

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

Councilmember Hiller moved to add a resolution approving a special event known as the 2015 Topeka Alley Fest to the consent agenda. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

Mayor Wolgast announced the resolution would be placed on the consent agenda as item 4J.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8717 introduced by Councilmember Jeffrey Coen, granting Megan Watkins an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8718 introduced by Councilmember Elaine Schwartz, granting Christ the King Catholic Church an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8719 introduced by Deputy Mayor 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. 8720 introduced by Deputy Mayor Karen Hiller, granting Let's Help an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8721 introduced by Deputy Mayor Karen Hiller, approving a special event known as the Capital City Jazz and Food Truck Festival was presented.

RESOLUTION NO. 8722 introduced by Deputy Mayor Karen Hiller, approving a special event known as the 2015 Downtown Adventure Race Topeka was presented.

RESOLUTION NO. 8723 introduced by Councilmember Sylvia Ortiz, granting Randy Wheat 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 8, 2015, was presented.

RESOLUTION NO. 8724 introduced by Councilmember Karen Hiller, approving a special event known as the 2015 Topeka Alley Fest was presented.

Councilmember Jensen moved to approve the consent agenda as amended. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted "yes."
(10-0-0)

APPROVAL of a three-year Labor Agreement between the City of Topeka and the Fraternal Order of Police Lodge No. 3 was presented. **(Contract No. 44586)**

Catherine Walter, Assistant City Attorney, reported approval would authorize the City Manager to execute a three-year labor agreement beginning January 2016 through December 2018. She stated the proposed agreement includes steps for all union members; increase to pay matrixes with an average wage increase of 4.37% in 2016, 2% in 2017 and 1.41% in 2018 as well as Public Safety Officers in the Municipal Court Department receiving a 2% increase in

each year. She noted the Topeka Police Department anticipates reducing force by five officers in 2017 resulting in savings.

Councilmember Schwartz spoke in opposition of the labor agreement. She reported the salaries as proposed run parallel to Kansas City, Kansas, and Overland Park, Kansas, police officers; however, studies have shown the Topeka Police Department remains over funded when considering the city's population as well as the cost of living in Topeka is lower than the comparison cities.

Councilmember Schumm moved to approve the labor agreement. The motion was seconded by Councilmember De La Isla.

Councilmember Ortiz asked if the Fraternal Order of Police (FOP) Lodge No. 3 was satisfied with the labor agreement as presented.

Kristen Marr, FOP Lodge No. 3 President, stated the union was extremely satisfied with the labor agreement.

James Brown, Topeka Police Chief, spoke in support of the labor agreement and encouraged the Governing Body to approve the contract.

Councilmember Schumm commended the Topeka Police Department and spoke in support of the labor agreement.

Councilmember Jensen thanked the FOP, Topeka Police Department and City staff for working together during negotiations.

The motion to approve the labor agreement carried. Councilmember Schwartz voted "no."
(9-1-0)

DISCUSSION regarding the use of the Countywide Retailers' Half-Cent Sales Tax was presented.

Jim Colson, City Manager, distributed a memorandum and supporting documents regarding the proposed Countywide Half-Cent Retailers' Sales Tax Interlocal Agreement between the City of Topeka and Shawnee County. He announced this discussion would be first of several as well as public meetings would be conducted to gather public input resulting in a consensus of the Governing Body of how they would like to move forward with the process. The handouts included the following information:

- A Brief Background
- City Staff Review (including concerns and comments about the County's proposal)
- City Staff Recommendations
- Projected Funds Available
- Neighborhood Revitalization Area Map 2013-2017

Brandon Kauffman, Financial Services Director, gave a brief overview of the Countywide Half-Cent Retailers' Sales Tax process and distributed a list of Joint Economic Development Organization Projects from 2005 to 2016. He reported the current 0.5% sales tax was estimated to have a substantial amount of excess funds when the sales tax sunsets, providing for an approximate \$8.2 million of excess funds for the City and \$6.9 million for the County with no limitations on the funds upon completion of the current interlocal agreement.

Jim Colson reported the following:

- Under Shawnee County's proposal, the City would not be able to complete substantial road projects until eight years after the initial levy of the tax and it is primarily due to the amount and timing of funding for the ExpoCentre.
- City staff is concerned about funding the ExpoCentre at the \$45 million amount based on input from knowledgeable parties. City staff supports a funding level of \$25 million.
- Prioritization schedule assigned for city street projects in the County proposal is not consistent with the City's.
- Economic development fund allocation remains at \$5 million per year and is paid from first funds received on an annual basis consistent with the current agreement.
- Total allocation of bridge funds are increased from \$22,500,000 to \$32,500,000 over the life of the project and are not allocated from first funds available but treated in a manner similar to the proposal of all infrastructure and quality of life projects.
- City staff agrees with the County's list of street projects and funding amounts.

- City staff recommends consideration of an Urban Economic Development fund in the amount of \$15 million to encourage the development of an economic development program focused on workforce development primarily directed toward unemployed/underemployed residents including veterans, youth employment programming, rehabilitation of blighted, derelict and underutilized facilities and infrastructure to attract economic development prospects and job training funds in areas of the city that have been disadvantaged from a job and economic growth perspective.
- Establishing eligibility boundaries for the Urban Economic Development Zone including various alternatives to geographic area, health map rating or a combination.

Mayor Wolgast requested a copy of the interlocal agreement submitted by Shawnee County in November 2014. He spoke in support of the proposed allocation process and asked if the County has indicated how the funds would be allocated.

Jim Colson stated he would provide a copy of the interlocal agreement as presented by Shawnee County to the Governing Body.

Councilmember Schumm spoke in support of the street project allocations to address on-going concerns expressed by the community as well as funding for the Kansas Expocentre in the amount of \$25 million.

Councilmember De La Isla spoke in support of continued discussions and how it would ensure betterment for the community through an urban economic development program and other improvements.

Councilmember Jensen suggested listing alley improvements specifically in the budget. He stated he is extremely excited about the proposed interlocal agreement and hearing public input on the urban economic development program.

Jim Colson stated it is very important to clarify spending according to the ballot language. He noted the proposed urban economic development program, rehabilitating structures and facilities as well as alleys could all be included in the language.

Councilmember Hiller commented on the City and County proposal and asked about the urban economic development program, how the City Manager envisions allocating the \$15 million and how it would relate to the 10% set aside for minority and entrepreneurship programs.

Jim Colson stated the urban economic development program would create a unique opportunity to focus on workforce development, invest in existing facilities and specifically identify the needs of the community.

Mayor Wolgast asked if the program would consider investing in the four “intensive care” neighborhoods listed on the Neighborhood Revitalization Area map (2013-2017).

Jim Colson stated the urban economic development program is conceptual at this point and it is their hope continued discussion will create more ideas and possibly explore the use of non-profit services.

Councilmember Harmon commended the City Manager and staff on the proposal and stated he would endorse the recommendations made thus far; however, he believes more discussions should follow with public input. He asked if Garner Economics, L.L.C., is reviewing the minority workforce for the analysis.

Mayor Wolgast stated Mr. Jay Garner is researching the extent to which economic development funds are used in the community.

Councilmember De La Isla stated the JEDO Board has contracted with Garner Economic, L.L.C., to conduct a study to see what efficiencies there are in the community and the Governing Body can provide direction and vision to Garner Economics for the program.

Councilmember Schwartz expressed concern with concentrating on four specific neighborhoods in the city and stated she believes attention should be given to the city as a whole. She questioned spending \$15 million in urban economic development mostly in the inner city

areas and stated more discussion should occur to clarify how and where the funds would be spent.

Jim Colson stated the Neighborhood Revitalization Plan map depicting the four “intensive care” neighborhoods was provided for the purpose of discussion.

Councilmember Coen spoke in support of the urban economic development program idea; however, he expressed concern with ensuring accountability of funds spent, providing a matrix to track the funding for transparency and spending as much funding as possible on street projects.

Councilmember De La Isla stated she believes the idea should be looked at from a business to economic development perspective, with investment in individuals to better the quality of life, transforming the city as a whole.

Joseph Ledbetter spoke in support of the proposal and working with veterans. He suggested clarifying the word “facilities” and how it would apply to infrastructure.

Jim Colson stated facilities could be clarified to include commercial, industrial or office-oriented facilities and possible conversion of a large house to commercial uses.

Councilmember Hiller questioned how the City plans to move forward with the Pedestrian Master Plan if it is not included in the ballot language.

Jim Colson stated it was his understanding it would be incorporated as part of the Bikeways Plan; however, he would research the matter and report back to the Governing Body.

Councilmember Jensen spoke in support of the urban economic development program because it seems to be amenable to citizens and neighborhoods.

Councilmember Hiller stated she appreciates the discussion and believes the Neighborhood Revitalization map could be helpful in targeting certain areas for the program.

Mayor Wolgast questioned what the anticipated timeframe would be in regards to the Governing Body taking action on the issue.

Jim Colson stated they anticipate more discussion on the matter over the next few weeks followed by a resolution to be considered by the Governing Body.

Councilmember Ortiz asked the City Manager to send the ballot language to the Governing Body to help clarify how the funding should be allocated.

Jim Colson stated he would distribute an informational packet to the Governing Body within the next week.

Councilmember Schumm suggested the issue be listed as another discussion item on the October 6, 2015, Council agenda to clarify the proposal then present it as an action item to the Governing Body the following week.

A DISCUSSION relating to the new East Topeka Interchange was presented.

Jim Colson, City Manager, gave a brief overview of the discussions to date with the Kansas Turnpike Authority (KTA). He stated KTA has requested the City agree to fund half the cost of the study in the amount of \$19,963.50.

Doug Gerber, Deputy City Manager, stated the City has been in discussions with KTA for a number of years regarding turnpike access in east Topeka. He gave a brief overview of the number of locations discussed, philosophy of KTA in partnering with local communities and the impact it would have on the area. He reported KTA is requesting the City agree to fund \$19,963.50 for the preliminary engineering Interchange Concept Study to construct an additional interchange on the east side of the city that would provide access to the turnpike. He listed the following four options proposed by KTA:

- 1) SE 29th Diamond (best local access option, moderate construction costs, low impact to land use and relocation of a fire station)
- 2) SE 29th "Offset" Diamond (good local access option, low construction costs, moderate impact to land use and would possibly require signal spacing from intersection)
- 3) SE California Diamond (acceptable local access option, moderate construction costs, high impact to land use, raise Mainline Bridge and widening of SE California to five lanes)
- 4) SE California "Folded" Diamond (most expensive option, high construction costs, high impact to land use, raise Mainline Bridge and widening of SE California to five lanes)

Mayor Wolgast asked if KTA would consider public input from the affected community and if the City's recommendation would make the determination of the location site.

Councilmember Schumm questioned the lifespan of the SE California Avenue and I-70 Bridge option and spoke in opposition of relocating Fire Station No. 9. He spoke in support of Option #2 because of the low impact to the surrounding land.

Councilmember Jensen stated he believes Options #1 and #2 seem to be the best options in his opinion; however, he asked if the options would affect any residential areas.

Mayor Wolgast questioned how much the City would have to contribute to the financial cost of construction for the interchange.

Doug Gerber reported the following

- The City could provide input and a recommendation to KTA; however, the KTA Board would discuss and decide an appropriate location.
- The interchange study would move forward if the Governing Body approves the resolution and partners with KTA.
- The proposal is still premature and based on the concept of the first two options there would be some residential areas impacted.
- Costs were estimated at \$7 million in 2006 and with new programming at interchanges it could cost approximately \$14 million.

Jim Colson stated City staff recommends Option #2 at this point; however, he would prefer they have more discussion regarding ingress and egress approaches and the potential financial impact it could have on the City.

Councilmember Ortiz spoke in support of Option #2 because she opposes the relocation of Fire Station No. 9.

Councilmember Hiller spoke in support of the concept; however, she would like to engage the public in discussions to ensure the idea is supported by the community.

Councilmember Jensen expressed concern with the layout of Option #2 because he believes it would create a significant bottleneck at the access point.

Doug Gerber reported neighborhood meetings need to be scheduled soon as KTA will be finalizing long-term plans in December. He noted the design phase will move forward once the Governing Body selects an option.

Councilmember Clear asked if the east Topeka interchange would be included in the long-term plan of KTA if the study was conducted.

Doug Gerber stated KTA's long term plan is conducted in the same manner the City conducts the Capital Improvement Plan process; therefore, the interchange would be selected to move forward within the next ten years if the study is done.

Councilmember Schumm spoke in support of partnering with KTA because they are willing to split the cost of the study with the City; however, he also wants to give the public an opportunity to provide input on the proposals.

Joseph Ledbetter stated east Topeka is an underserviced area and discussed the four options and how they may affect the surrounding areas. He reported the Hi-Crest Neighborhood Improvement Association has approved a resolution expressing their support of a Kansas Turnpike interchange from SE Croco Road.

Councilmember Jensen suggested Option #1 be amended to include four access points and remove the possibility of relocating Fire Station No. 9.

Mayor Wolgast suggested renaming the interchange the Southeast Topeka Interchange because of the actual location.

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

Jim Colson, City Manager, congratulated Councilmember Jonathan Schumm and staff at the Modern Woodmen of America, a fraternal financial services organization, in receiving the "Best Financial Advisor/Retirement Planning" award as well as Councilmember De La Isla and staff at

the Topeka Habitat for Humanity, in receiving the “Best Builder/Remodeler (Residential)” award by the Topeka Capital Journal Best of Topeka 2015. He announced Lisa Robertson has accepted the City Attorney position and would begin employment with the City on September 28, 2015. He thanked Mary Feighny for serving as Interim City Attorney and providing quality legal services for the City. He encouraged everyone to participate in the Make a Splash Water Festival on September 19, 2015, from 9:30 a.m. to 2:00 p.m. at the Garfield Park Community Center.

Councilmember De La Isla spoke in support of the Topeka Police Department and thanked Police Chief James Brown, City staff and the Fraternal Order of Police Lodge No. 3 for their leadership and patience during labor negotiations.

Councilmember Jensen commented on the many different types of events happening throughout the community and encouraged citizens to participate.

Councilmember Schwartz commended the Topeka Zoo for being voted “Best Family Entertainment” by the Topeka Capital Journal Best of Topeka 2015. She stated this week’s “gem” of Topeka is the League of Women Voters and their activism in the arts. She announced the Topeka Zoobilee is scheduled for September 26, 2015, from 5:00 p.m. to 10:00 p.m.

Councilmember Hiller announced the 10th Annual Aaron Douglas Art Fair is scheduled for September 26, 2015, from 10:00 a.m. to 5:00 p.m. at the corner of SW 12th and Lane Streets.

Councilmember Clear announced the North Topeka Baptist Church would host a picnic event on September 19, 2015, from 4:00 p.m. to 5:30 p.m.; and the Kansas Avenue Church would host a Hoedown event on September 19, 2015, from 4:00 p.m. to 6:30 p.m.

Councilmember Ortiz thanked the City of Topeka and Highland Park High School for participating in the Rock the Block event which was well attended. She stated she looks forward to many more similar events where Topeka youth can get involved in their community and improve quality of life.

Councilmember Schumm stated he believes it is an exciting time for the residents in southeast Topeka and thanked his predecessors for their service to the community. He commented on the East Topeka Interchange proposal and stated he is ready to partner with the Kansas Turnpike Authority to move forward for a better southeast Topeka.

Mayor Wolgast announced the Kansas Mariachi Festival would be held on September 16, 2015, at the Topeka Performing Arts Center; and the 60th Anniversary of Rosa Parks Historic Ride for Freedom is scheduled for September 14, 2015, at the Brown v. Board of Education site. He also announced the Remember Rosa Unity Walk event would be held on October 2, 2015, and commended the many community organizations partnering together to make the event successful.

Joseph Ledbetter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:10 p.m.

Brenda Younger
City Clerk