

Council Minutes – October 22, 2013

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 22, 2013. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Councilmember Harmon asked for a moment of silent meditation.

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

A PRESENTATION of a replica of the Topeka Constitution, drafted in 1855, was presented to Mayor Wolgast by Don Lambert, Friends of the Free State.

A PRESENTATION of the City of Topeka's e311, a new online customer service portal was presented by Monique Glaude, Resident Liaison Services. She reported the official launch of the City's e311 is scheduled for November 4, 2013, on the City's website at www.topeka.org/e311 and would be available for citizens to access online or by smartphone 24 hours a day, seven days a week. She stated the new service would provide people with a tool to find information by providing answers to frequently asked questions or they could create their own account and submit a question, issue or complaint. She noted people would receive an immediate acknowledgement in the form of an email with a customer number included that would allow them to follow the issue through the process. She also noted all inquiries would be responded to within 48 hours excluding weekends and holidays. She extended an invitation to the Governing Body for training on the new customer service site so they may be able to pass along the information to their constituents.

Councilmember Campos II asked how much the program would cost.

Monique Glaude reported the integration and set up was \$8,000 and the annual subscription fee is \$13,200 which includes customer service, hosting, updates and the mobile application.

Mayor Wolgast stated he is excited about the new online customer service portal and looks forward to seeing how it works and streamlines the process.

Jim Colson, City Manager, requested to defer item 5A, an ordinance concerning the regulation of Temporary Signs (*ACZR12/2*) placed on first reading July 9, 2013, to the January 14, 2014, Council meeting. He reported City staff and local businesses continue to discuss the sign issues and he would prefer to provide a complete presentation to the Council at a later time.

THE CONSENT AGENDA was presented as follows:

APPROVAL of a Workers' Compensation Settlement for Jesse Martinez, Parking Control Attendant, in the amount of \$14,013.72 for the permanent partial impairment of his cervical spine from injuries suffered on January 9, 2013, was presented.

RESOLUTION NO. 8562 introduced by Councilmember Karen Hiller, granting PT's Coffee 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 October 15, 2013, was presented.

A Dance Hall License application for Riverfront Station located at 802 N. Kansas Avenue was presented.

Councilmember Schmidt moved to approve the consent agenda. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

Councilmember Ortiz moved to defer item 5A, an ordinance concerning the regulation of Temporary Signs (*ACZR12/2*) until January 14, 2014. The motion seconded by Councilmember Campos II carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

A PROJECT BUDGET in the amount of \$1,622,400 and RESOLUTION NO. 8563 introduced by City Manager Jim Colson, authorizing Improvement Project No. T-861005.00 which provides for implementation of the first phase of the Topeka Bikeways Improvement Master Plan, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented.

Doug Whitacre, Public Works Director, reported approval would authorize construction of the first phase of bikeways throughout the city. He stated the project would cover nine different routes identified in the master plan and include street signs, overhead signal signs, bike symbols on the pavement, edge lines, trail/link improvements for interconnecting of the bike routes, design and construction inspection of the project and any other related appurtenances required to complete the project. He reported the City’s portion of the project budget in the amount of \$420,000 would be funded from the 2013 and 2014 combined Complete Streets and City-wide Infrastructure funds with a total debt service of \$577,743 spread over twenty years; and \$1,202,400 from the Kansas Department of Transportation (Enhancement Grant) for a total project budget of \$1,622,400.

Councilmember Campos II asked if the \$420,000 from the Complete Streets and City-wide Infrastructure funds was already allocated for the project.

Doug Whitacre stated the funds were earmarked for the project.

Bill Lucero, Kaw Valley Bike Club President, spoke in support of the project and reported the Kaw Valley Bike Club organization has been working with City staff to construct

bikeways throughout the city with safety as a primary concern for all bicyclists. He stated routes were developed to benefit all citizens and attract more businesses and make Topeka a greener city.

Ralph Krumins spoke in support of the project and stated he believes it would improve access to more outdoor activities and biking which could help reduce obesity because Topeka is ranked as the 8th most obese city in the nation. He noted there would be economic improvement to the city by building infrastructure such as the bikeways project. He encouraged the Council to support the project.

Andy Fry, Bikeways Advisory Committee, gave statistics on biking and the effect it has on the economy of cities and other means of transportation. He provided a perspective on local trails and how they could connect to other widely used trails in other areas throughout the state. He gave examples of bicycling events that draw a large number of participants that have impacted the City's economy.

Councilmember Schwartz asked if the City has supplied information on the trails that have the most activity.

Councilmember Hiller acknowledged and thanked all the individuals that have been involved in the project which represents an economic issue, as well as, a health issue for the city. She reported work has begun on the next phase of the project which includes signage and an education plan. She noted over \$40,000 of private funds have been raised at this point.

Councilmember Campos II moved to approve the project budget and resolution. The motion seconded by Councilmember Hiller carried unanimously. (9-0-0)

RESOLUTION NO. 8564 introduced by City Manager Jim Colson granting an exemption from the annexation requirement of City of Topeka Code Section 13.10.120(a)(2) for

connection to the city water system to a tract of land generally located on the south side of NE 43rd Street, approximately 740 feet east of Kansas Avenue, which is outside the city limits but within Shawnee County, Kansas, was presented.

Bill Fiander, Planning Department Director, reported approval would grant an annexation exemption for the applicant to receive city water service for a proposed house in the 100 block of NE 43rd Street which is outside the city limits and also outside the City's planned growth area and Municipal Service Area (MSA). He stated Topeka Municipal Code requires any property outside the city limits and MSA be annexed prior to receiving city water service; however, City Code allows for an exemption from the annexation requirement if the City Council determines that providing water service is necessary to avoid unnecessary hardship in a situation not created by the actions of the applicant. He stated the Planning Department recommends approval with the following conditions; 1) The owner records consent to annexation for the entire property and; 2) The property is platted for one lot. He noted the request appears to fall within a "hardship" because the applicant bought the property in 2002 which precedes the change in City Code in 2007.

Brad Gifford, applicant, asked the Council for their support. He reported he and his wife bought the property in 2002 and at that time the annexation requirement did not exist. He stated his intent of purchasing the property was to build a house and reside in the community when he retires.

Councilmember Everhart moved to approve the resolution. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

NO Retail Cereal Malt Beverage License applications were presented.

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

Jim Colson, City Manager, announced Sergeant Peppers, a male giraffe transferred from the Oklahoma City Zoo would arrive at the Topeka Zoo on October 23, 2013. He announced there would be no City Council meeting on October 29, 2013; and a public informational meeting regarding the Countywide Half-Cent Sales Tax is scheduled for November 4, 2013, at the Holliday building located at 620 SE Madison from 5:30 p.m. to 7:30 p.m. He encouraged the public to attend the meeting and noted a status on the sales tax would be provided to familiarize residents with ongoing discussions regarding the potential extension which expires December 31, 2016, as well as, time would be allotted for public input and discussion on what citizens would like to see in the future. He stated a briefing on public input would be provided to the Governing Body at the next Council meeting followed by a presentation at a future Council meeting to take action on the City's official position regarding the Countywide Half-Cent Sales Tax issue.

Councilmember Hiller requested the Council address their concerns relating to the Countywide Half-Cent Sales Tax over the next several weeks. She expressed concern with the Shawnee County Parks and Recreation Department cutting more than \$1.5 million from its operating budget and asked if there was anything the City could do from a policy or legal standpoint to address the issue. She referenced a recent countywide tax sale she attended and stated many of the properties were bought by neighboring property owners and was pleased with the outcome of the sales. She encouraged the Governing Body and public to attend a gathering at Celtic Fox located at 118 SE 8th Avenue, after the council meeting, where bikeways and other City business would be discussed.

Councilmember Campos II expressed concern with conducting a Countywide Half-Cent Sales Tax town hall meeting prior to the Governing Body having an in-depth discussion on the issue and not being informed on the process. He reminded citizens to be alert and watch for children on Halloween. He announced there are many organizations that would be hosting Trunk Or Treat events and requested that event dates be posted on the City's website. He commented on the upcoming renewal of the agreement between the City and the Joint Economic Development Organization and the need to create a performance matrix to measure standards of service and goals provided by the organization.

Councilmember Ortiz asked the City Attorney to provide a legal opinion on the use of Countywide Half-Cent Sales Tax funds. She thanked the Mars Chocolate Company for their contributions to Habitat for Humanity and Downtown Topeka, Inc. She announced she would set a date to discuss the City Manager's contract in the near future and thanked Councilmembers Everhart and Manspeaker for handling her duties as Deputy Mayor in her absence.

Councilmember Everhart stated she is excited about the arrival of a new giraffe, Sergeant Peppers, to the Topeka Zoo and noted the zoo is a major asset to the City. She stated she concurs with Councilmember Hiller and is concerned with Shawnee County Parks and Recreation Department budget cuts and hopes the recreation programs do not suffer the consequences.

Councilmember De La Isla commented on the NET Reach Team in Council District No. 6 and the exciting plans for the Highcrest neighborhood. She reported the outreach program has yielded good attention and has had wonderful volunteer turnouts in the neighborhood because of community involvement. She stated she was able to attend a community empowerment training session which was a wonderful informative experience.

Councilmember Manspeaker commented on the City's e311 new customer service portal and stated he was able to download the application on his smartphone easily. He stated he believes the program will be very beneficial and streamline the process to help fix various issues throughout the city. He thanked the Topeka Police Department for their involvement in the execution of six warrants on October 22, 2013, for the sale of the illegal drug K2. He noted the operation was a great step in the right direction to stop the illegal drug from being sold within the community.

Councilmember Schmidt announced the Boo at the Zoo Event would be held on October 26, 2013, at the Topeka Zoo from 9:00 a.m. to 3:00 p.m. and invited the community to participate in the great family event.

Mayor Wolgast stated the Joint Economic Development Organization (JEDO) Board would discuss their upcoming goals and priorities for 2014 at the November 7, 2013, JEDO Board meeting and take action on other matters including the 2014 JEDO Operating Budget during the December JEDO Board meeting.

Jim Colson, City Manager, stated that he would like to clarify the comment made relating to the Countywide Half-Cent Sales Tax Town Hall meeting process. He stated that he believes the comment was unfair and reported that City staff members have communicated process timelines relating to the matter from the beginning and will continue to do so moving forward.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:58 p.m.

Brenda Younger
City Clerk