

Council Minutes – November 3, 2015

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 3, 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 and Coen -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Harmon -1.

AFTER THE MEETING was called to order, Imam Omar Hazim, Islamic Center of Topeka, gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

DENIAL of Tort Claim Appeal submitted by Kelsey Blanchette seeking \$2,805.60 in civil damages was presented.

DENIAL of Tort Claim Appeal submitted by Adam Good seeking \$3,400 in civil damages was presented.

DENIAL of Tort Claim Appeal submitted by ATT seeking \$3,976.28 in damages to a buried utility cable was presented.

DENIAL of Tort Claim Appeal submitted by Travelers Insurance Company, on behalf of its insured, Zeta Tau Alpha Fraternity, seeking \$49,374.70 for damage to the fraternity residence caused by a sewer backup was presented.

BOARD APPOINTMENT recommending the appointment of Tom Wright to the Metropolitan Topeka Airport Authority Board for an unexpired term ending November 3, 2018, was presented.

BOARD APPOINTMENT recommending the appointment of Lisa Stubbs to the Metropolitan Topeka Airport Authority Board for an unexpired term ending December 1, 2018, was presented.

RESOLUTION NO. 8733 introduced by Deputy Mayor Karen Hiller, approving a special event known as the Topeka Veterans Parade Chili Feed was presented.

MINUTES of the regular meeting of October 20, 2015, was presented.

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

ORDINANCE NO. 19974 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of August 29, 2015, through October 2, 2015, and enumerating said expenditures therein was presented.

Jim Colson, City Manager, reported approval would authorize City expenditures in the amount of \$20,670,769.45.

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

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. Absent: Harmon -1.

RESOLUTION NO. 8734 introduced by City Manager Jim Colson, in accordance with Section 18.60.010 of the Topeka Municipal Code approving a Conditional Use Permit to allow for an Outdoor Recreation, Type III use on property zoned “R-1” Single Family Dwelling District and located at the southwest corner of SW 21st Street and SW Urish Road, in the City of Topeka, Shawnee County, Kansas, was presented. (CUI5/2)

Jim Colson, City Manager, reported approval would allow Shawnee County to develop a public aquatic facility located at the southwest corner of SW 21st Street and SW Urish Road. He stated Shawnee County Commissioner Bob Archer as well as Brian Austin and Casey Colbern, Bartlett & West Engineers, were present for questions.

Bill Fiander, Planning Department Director, stated the 28.33 acre site was part of a 233-acre parcel owned by Shawnee County. He reported the Planning Department recommends approval of the zoning change and believes adequate infrastructure is already in place, or will be in place to accommodate the flow of anticipated traffic, including sidewalks and crosswalks. He noted Shawnee County would dedicate right-of-way along SW Urish Road for any future needs of the City.

Councilmember Coen moved to approve the resolution. The motion was seconded by Councilmember Schwartz.

Councilmember Ortiz spoke in support of the project. She stated the project would accommodate the Shawnee County Parks and Recreation Departmental goals in planning for long-term future growth.

Bob Archer, Shawnee County Commissioner, provided a brief overview of the 10-Year Plan for Shawnee County Parks and Recreation Master Plan including the need for sustainability, improvement of existing facilities, and the need to address the lack of presence in the southwest quadrant of Shawnee County. He requested the Governing Body support the project.

Councilmember Schumm questioned if the increased traffic flow to the area would have an effect on the accessibility of Fire Station No. 12 located at 2101 SW Urish Road; and what future costs the City may have to incur for the widening of SW Urish Road and other improvements.

Greg Bailey, Topeka Fire Chief, stated the Topeka Fire Department supports the project and the increased traffic flow should not have an effect on the operations of Fire Station No. 12.

Councilmember Clear expressed concern with the management of Shawnee County Parks and Recreation facilities and the lack of response by County staff to maintain existing park facilities. She spoke in opposition of the project and questioned if the aquatic center would have any impact on the operations and maintenance of current parks and facilities. She suggested a maintenance plan be drafted for current parks and facilities and the proposed aquatic center before proceeding further.

Bill Fiander stated there are serious drainage and elevation issues that have to be addressed and could be very costly; however, he does not have updated costs at this time.

Councilmember Ortiz stated she believes the concerns expressed by Councilmember Clear would be addressed once the Parks and Recreation Citizen Advisory Council was fully functional, holding those individuals responsible and accountable.

Councilmember Hiller spoke in support of the proposed Dornwood Park improvements and new aquatic center; however, she questioned if the plans incorporate sufficient transportation access for pedestrians and bicycles. She suggested the County and City consider sharing the costs associated with the construction of a crosswalk across SW Urish Road as it would be an extensive and costly project.

Councilmember Schwartz spoke in support of the project and stated it would generate additional sales tax revenue.

Councilmember Schumm stated he concurs with Councilmember Hiller and was concerned with pedestrians crossing SW Urish Road. He spoke in opposition to the project at this time because he would like more time to research as well as hear public input on the project.

Councilmember Schwartz stated Shawnee County conducted several public meetings to gather public input on the proposed project.

Councilmember Clear reported many of her constituents have voiced opposition to the project.

Jim Colson reported the proposed project has gone through an extensive process which includes public involvement.

The motion to approve the resolution carried. Mayor Wolgast voted “yes.” Councilmember Clear voted “no.” Councilmember Schumm abstained. (7-1-1)

APPROVAL of a two-year labor agreement effective January 1, 2016, through December 31, 2017, between the City of Topeka and United Workers of Environmental Trades of Topeka, representing employees of the Water Pollution Control Utility Division was presented. (*Contract No. 44723*)

Jacque Russell, Human Resources Director, reported approval would allow one step movement in both January 2016 and 2017 for employees who are eligible based on performance evaluation ratings; provide a 1.5% increase across the board to the pay matrix in 2016; a pool of \$75,000 for increases in 2017; and other guidelines for sick leave usage.

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

DISCUSSION regarding the findings and recommendations of a traffic study conducted for the area bounded by SW Arvonía, SW Huntoon, SW Wanamaker and SW 17th Street including impacts to I-470 ramps was presented.

Bill Fiander, Planning Department Director, reported a traffic impact study was conducted along the SW Arvonía corridor between SW Huntoon and SW 17th Street which revealed that

anticipated future development in the area would likely cause traffic operation failures of several intersections including potential back-up onto I-470 at peak hours. He stated public meetings were conducted for public input and the issue has been discussed with business owners to incorporate future plans. He discussed the following priorities:

- 1) Arvonias/Winding/Huntoon/I-470 area with a project at preliminary costs of \$4.4 million
- 2) Wanamaker/Winding/Huntoon/I-470 with a project at preliminary costs of \$5.5 million
- 3) SW 17th Street/SW Arvonias with a project at preliminary costs of \$3 million
- 4) SW Arvonias between SW 17th Street and SW Huntoon Street with a project at preliminary costs of \$2.2 million

Mayor Wolgast asked where these priorities fall within Kansas Department of Transportation (KDOT) priorities and questioned the traffic congestion on SW Huntoon Street.

Councilmember Jensen questioned if the extended medians could be used as green space.

Brian Austin, Bartlett & West Engineers, appeared for questions. He stated they would recommend requesting the placement of priorities on KDOT's list; however, he is unsure of how the recommendations would be prioritized by KDOT. He noted KDOT would be more inclined to fund the enter/exit ramp projects which may help in the securing of Safety Transportation grant funds.

Doug Gerber, Deputy City Manager stated funding in the Capital Improvement Plan would be set aside for the next three years to fund the project.

Bill Fiander stated he would present the final report to the Governing Body when complete. He confirmed that KDOT understands the necessity of making improvements to the area and noted Phase I would be completed within the next five years and all four priorities should be complete within 10-15 years.

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

Brenda Younger, City Clerk, gave a brief overview of the November 10, 2015, Council agenda.

Jim Colson, City Manager, thanked Municipal Court Administrative Judge Vic Miller for his service and announced Judge Miller would retire on December 15, 2015. He also thanked Public Works Director Doug Whitacre for his service and announced Mr. Whitacre has accepted a position with the City of Shawnee, Kansas. He announced the Hi-Crest NetReach Center would host a reptile exhibit for Family Fun Night on November 6, 2015, from 6:00 p.m. to 7:30 p.m.

Mayor Wolgast acknowledged Public Works Director Doug Whitacre and Municipal Court Administrative Judge Vic Miller for their service to the Governing Body and the community.

Councilmember Schwartz acknowledged the Topeka Zoo as being one of the first to participate in advanced tiger research. She noted October was Open Enrollment Month for many organizations and thanked the City of Topeka Human Resources staff for their assistance during enrollment. She announced this week's "gem" of Topeka is area sports fans.

Councilmember Coen announced the "Battle of the Badges" between the Topeka Fire Department and Topeka Police Department would be held on November 8, 2015, at Washburn University.

Councilmember Hiller announced the Old Buzzards Car Club would host a Toys for Tots Fundraiser Car and Truck Show on November 7, 2015, at Spangles located at SW 29th Street and SW Topeka Boulevard. She also announced the Veterans Ball would be held on November 6, 2015, and the annual Veterans Day Parade on November 7, 2015.

Councilmember Clear announced she would be answering phones for the KTWU auction occurring November 6-8, 2015.

Councilmember Ortiz thanked Municipal Court Administrative Judge Vic Miller and Public Works Director Doug Whitacre for their service. She announced the Topeka Metropolitan Transit Authority is offering free rides to all veterans in the month of November.

Councilmember Schumm recognized November as “National Adoption Month for Foster Care” and encouraged individuals who have the ability to invest in foster care and adoption to do so.

Councilmember De La Isla thanked Washburn Rural High School students for their assistance in the Washburn University Homecoming Parade and encouraged citizens to celebrate the spirit of the community.

Councilmember Jensen announced TEDxTopeka would host an event on December 8, 2015, featuring speakers from across the region on a variety of timely and interesting topics as well as performing art pieces. He stated people could contact TEDxTopeka at www.tedxtopeka.com for more information.

Joseph Ledbetter appeared to speak under public comment.

Councilmember Ortiz moved to recess into executive session for a time period not to exceed 20 minutes to discuss employer/employee negotiations relating to a labor agreement and to include the Governing Body, City Manager, Deputy City Manager, City Attorney and staff, Human Resources Director and Topeka Fire Chief. The motion seconded by Councilmember Jensen 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.

Councilmember Ortiz moved to recess into executive session for a time period not to exceed 20 minutes to continue discussion on employer/employee negotiations relating to a labor

agreement and to include the Governing Body, City Manager, Deputy City Manager, City Attorney and staff, Human Resources Director and Topeka Fire Chief. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

At 8:03 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 20 minutes to continue discussion on employer/employee negotiations relating to a labor agreement and to include the Governing Body, City Manager, Deputy City Manager, City Attorney and staff, Human Resources Director and Topeka Fire Chief. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

At 8:23 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 8:23 p.m.

Brenda Younger
City Clerk