

Council Minutes – December 3, 2013

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 3, 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, De La Isla, Schwartz, Schmidt and Harmon -7. Mayor Larry E. Wolgast presided -1. Absent: Councilmembers Everhart and Manspeaker -2.

AFTER THE MEETING was called to order, Councilmember Campos II gave the invocation.

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

A PRESENTATION on the Shawnee County Suicide Cluster Prevention and Response Plan was provided by Meg Braun, U.S.D. 501. She defined the term “suicide cluster”; provided information about the need for a countywide suicide cluster prevention and response plan; provided a draft of the Shawnee County Suicide Cluster Prevention and Response Plan, and information and resources for Suicide Cluster Prevention.

THE CONSENT AGENDA was presented as follows:

DENIAL of Tort Claim Appeal by Ashley Billings in the amount of \$35,000 for injuries sustained after she tripped on a mushroom cap and valve box located near 5252 SW 19th Street was presented.

DENIAL of Tort Claim Appeal by Dustin Hobbs in the amount of \$4,483.58 for damage to his home caused by a sewer backup was presented.

MINUTES of the regular meeting of November 19, 2013, were presented.

Dance Hall License applications were presented for the following:

<u>Business Name</u>	<u>Address</u>
Eclipse Night Club	4117 SW Huntoon Street
Flamingo Bar & Grill	2335 NW Clay Street
Kansas Expocentre	One Expocentre Drive
Los Charros	4111 SW Gage Center Drive
Riverfront Station	802 N Kansas Avenue
Sasnak North Inc.	1834 N Topeka Boulevard
Skinny's Sports Bar & Grill	4016 SW Huntoon Street
Wild Horse Saloon	3249 SW Topeka Boulevard

Councilmember Harmon moved to approve the consent agenda. The motion seconded by Councilmember De La Isla carried unanimously. (7-0-0)

APPROVAL of a Master Lease Agreement between the City of Topeka and US Bancorp Government Leasing and Finance Inc., for the purchase of police vehicles in the amount of \$888,935.55, was presented. (*Contract No. 43317*)

Jeff White, City Financial Advisor, reported the lease purchase agreement followed the bid process and achieved an interest rate of 1.08%. He noted the lease payment in the amount of \$296,311.85 was included in the Topeka Police Department's 2014 Budget; however, subsequent years 2015 and 2016 will need to request additional funding to make the final two payments on the lease.

Councilmember Harmon asked if the agreement complies with the cash basis law.

Chad Sublet, City Attorney, confirmed that the lease purchase agreement complied with the Kansas Cash Basis law.

Councilmember Ortiz asked how many vehicles would be purchased under the lease.

Jeff White stated approximately 30 new police vehicles would be purchased.

Councilmember Campos II asked what the overall projected cost is.

Jeff White stated there are three lease payments of \$296,311.85 for a total of \$888,935.55.

Councilmember Ortiz moved to approve the lease agreement. The motion seconded by Councilmember Harmon carried. Mayor Wolgast voted “yes.” Councilmember Schwartz voted “no.” (7-1-0)

APPROVAL of an amendment to City of Topeka Contract No. 42197 which is the current three-year labor contract for AFT Kansas Local 6406 effective January 1, 2012, through December 31, 2014, was presented. (*Contract No. 43318*)

Councilmember Hiller spoke in opposition of the labor agreement because she believes it did not stay within the terms of the perimeters set by the City Council; however, she understands the negotiations went well and were conducted in good faith.

Councilmember Ortiz moved to approve the labor agreement. The motion seconded by Councilmember De La Isla carried. Mayor Wolgast voted “yes.” Councilmembers Hiller and Schwartz voted “no.” (6-2-0)

RESOLUTION NO. 8567 introduced by City Manager Jim Colson, declaring the entire boundary of the City of Topeka and rescinding City of Topeka Resolution No. 8398, was presented.

Chad Sublet, City Attorney, referenced the annexation of Miller’s Reserve Subdivision and stated pursuant to Kansas State statute if there are changes to a city’s boundary within a year, a resolution declaring the new boundary must be approved by the Governing Body.

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

RESOLUTION NO. 8568 introduced by City Manager Jim Colson, continuing the ban on concealed weapons in the Topeka Municipal Building was presented.

Chad Sublet, City Attorney, reported Council agenda items 5D, 5E and 5F are resolutions authorizing the City to continue the concealed weapons ban in the corresponding City buildings for the next four (4) years. He stated a security plan was developed by the Topeka Police Department; however, the extra time would allow the City to budget for metal detectors and security or allow concealed weapons in municipal buildings. He noted if the resolution is approved a notification of the change would be sent to the Kansas Attorney General's office.

Councilmember De La Isla moved to approve the resolution. The motion seconded by Councilmember Ortiz carried. Mayor Wolgast voted "yes." Councilmember Campos II voted "no." (7-1-0)

RESOLUTION NO. 8569 introduced by City Manager Jim Colson, continuing the ban on concealed weapons in the Cyrus K. Holliday Building was presented.

Councilmember De La Isla moved to approve the resolution. The motion seconded by Councilmember Ortiz carried. Mayor Wolgast voted "yes." Councilmember Campos II voted "no." (7-1-0)

RESOLUTION NO. 8570 introduced by City Manager Jim Colson, continuing the ban on concealed weapons in the Gage Park Zoo was presented.

Councilmember De La Isla moved to approve the resolution. The motion seconded by Councilmember Ortiz carried. Mayor Wolgast voted "yes." Councilmember Campos II voted "no." (7-1-0)

RESOLUTION NO. 8571 introduced by Councilmember Denise Everhart relating to the convening of a citizens government review committee to study and review the form of government for the City of Topeka was presented.

Jim Colson, City Manager, reported City Code Chapter 2.13 requires the Council to convene a citizens committee comprised of five (5) registered City voters to review the form of government and make recommendation to the Governing Body within six (6) months of their appointment. He stated the ordinance requires the committee to be convened before July 1, 2015, as directed by the Council pursuant to a resolution. He gave a brief summary of what is required of the committee and the criteria they must follow in regards to the report format that would be presented to the Council.

Joseph Ledbetter stated he would like to see public input allowed at the committee meetings because he believes better ideas are generated when the public is involved.

Mayor Wolgast stated the resolution indicates the sessions must be conducted within a public forum.

Councilmember Harmon expressed concern with the Governing Body's role once the committee is convened in regards to identifying what they perceive to be concerns for the committee to address. He stated he believes there are systematic issues in the charter ordinance that should be addressed and would like to propose some amendments to the process and ensure the Council provides guidance to the committee and not set limitations. He inquired how the public should voice their concerns.

Mayor Wolgast stated it would be a public process because he believes there are many groups that would like to express their concerns and recommendations. He noted his goals are to have an efficient operational government.

Jim Colson suggested they conduct a joint work session between the Council and Committee and establish rules as they move forward with the process.

Councilmember Campos II stated he concurs with Councilmember Harmon; however, he believes the Committee may become biased if the Governing Body gives any direction.

Councilmember Harmon stated he concurs with Councilmember Campos II and would approve sending the resolution to the Policy and Finance Committee for further review if the majority of the Council would agree.

Councilmember Hiller stated she believes as elected officials, the Council should include their point of view because it is a very important process. She suggested inviting the Committee to join the Governing Body during a work session for insight.

Councilmember Schmidt asked if there is any language included in the resolution that would preclude the Governing Body from doing anything that has been suggested.

Chad Sublet, City Attorney, stated the language of the resolution would not prevent the Governing Body from conducting public forums or participating in joint work sessions.

Councilmember Schmidt stated his opposition to referring the resolution to the Policy and Finance Committee because the Citizen Government Review Committee could attend a work session to discuss the process with the Governing Body.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Campos II carried unanimously. (7-0-0)

APPROVAL of funding recommendations by the Alcohol and Drug Abuse Advisory Council in the amount of \$600,000 for the 2014 Special Alcohol Fund was presented.

Jeff White, City Financial Advisor, reported the action is required by the State and mandates the funds be divided into thirds into the City's General Fund; Parks & Recreation Fund and Special Drug and Alcohol Fund (\$526,000). He noted the Special Alcohol and Drug Fund is distributed to drug and alcohol treatment and prevention programs and the recommended amount

is based on the projected Liquor Tax collected by the State and required to be allocated towards alcohol and drug programs. He stated the Committee recommends the allocation of \$600,000 which would produce, based upon expected revenues for 2013, a fund balance of \$75,000.

Jared Harsin, Shawnee County Drug and Alcohol Advisory Council Chairman, reported there was one amendment that was made to the City's initial recommendation due to actions by Shawnee County that impacted the City's recommendation. He noted detailed information about the amendment was included in the Council agenda.

Councilmember Campos II asked why there was no allocation made to the YMCA Help the Youth Program.

Jared Harsin stated the recommendations were made as a whole by the Grant Review Committee; however, the YMCA Youth Project did not meet the principle purpose statement and criteria and there is no extra funding available at this time. He noted standards must be reviewed to allocate the funding so that it can be used accordingly.

Councilmember Schwartz stated the Committee follows a recommendation process that is based on State statute.

Councilmember Schmidt referenced the difference between the 2012 and 2013 Special Alcohol and Drug funds and commented on the \$500,000 reduction in funding.

Jared Harsin stated after a period of time there was a buildup of funds; therefore, it was recommended by a financial administrator to spend the annual carry-over funds down, subsequently the Committee recommended the reduction of \$75,000.

Georgianna Wong, Executive Director of Topeka Youth Project, explained the Jobs for Young Adults program and its purpose to avoid negative behaviors of teenagers. She announced a mentorship program would be introduced in January 2014.

Kevin Shepard, Topeka Youth Project Board member, stated he is a mentor in the program and believes the program provides structure to the teens which makes it easier for prevention and recovery. He noted the program is good for the community and helps local youth develop good skills.

Max Wilson thanked the Governing Body for honoring the principle purpose of the State statute and providing one of the most stable sources of funding for alcohol and drug prevention. He referenced many recent cuts in social service funding from all levels of government and how it impacts the community.

Jared Harsin thanked the Governing Body, Committee and dedicated members of the community for their continued efforts because it does take a great deal of time and contribution.

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

ORDINANCE NO. 19863 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of September 28, 2013, through November 1, 2013, and enumerating said expenditures therein was presented for first and final reading.

Jim Colson, City Manager, reported approval would authorize City expenditures in the amount of \$17,919,043.32. He stated City expenditures are taken very seriously and staff is working to make the process more transparent as we move forward with monthly reports and revisions.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried. Councilmember Campos II voted “no.” (6-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, De La Isla, Schwartz, Schmidt and Harmon -6. Noes: Campos II -1.

RESOLUTION NO. 8572 introduced by City Manager Jim Colson, approving the 2014 Legislative Agenda was presented.

Jim Colson, City Manager, reported the legislative priorities identified by the Council to be addressed or monitored during the 2014 Legislative Session are outlined in the City's 2014 Legislative agenda and noted several meetings were held to discuss the items.

Whitney Damron, City Lobbyist, provided a brief overview of the City's 2014 Legislative agenda items listed in the resolution.

Councilmember Hiller stated she is pleased with the agenda; however, she is very concerned with repealing the mortgage registration fee proposal which would cause a \$2.5 million loss in funds for Shawnee County. She questioned if an amendment should be made to change the language on line 30 regarding "identifying absentee property owners" because this was not the problem; she noted the problem was receiving the payment from property owners.

Jim Colson stated he concurs with Councilmember Hiller and believes the language should be amended.

Councilmember Schwartz moved to approve the resolution. The motion was seconded by Councilmember De La Isla.

Councilmember Ortiz left the room.

Councilmember Hiller moved to amend Line 30 by deleting the words "identifying absentee" and inserting the words "securing payment from". The motion seconded by Councilmember Schwartz carried unanimously. (6-0-0)

Councilmember Hiller moved to amend Line 50 by adding the statement “Oppose efforts to repeal the mortgage registration fee.” The motion seconded by Councilmember Schwartz carried unanimously. (6-0-0)

Councilmember Campos II stated Governor Brownback has not put in place any marketing strategies to promote the renovation of the Capitol Complex and asked how they plan to leverage the legislature to allocate funding towards marketing.

Whitney Damron stated there have been some efforts in regards to leveraging funds through tourism dollars; discretionary funds that could be made available; and there are some partnerships with local economic development and tourism groups to at least try and work in coordination with the completion of the Statehouse. He agreed the completion of the Capitol Complex would be a tourism magnet from people all over the country.

Mayor Wolgast stated he believes it would help to include the proposal because it would give the lobbyist more leverage.

Councilmember Ortiz entered the room.

Councilmember Schmidt moved to amend Line 43 by inserting the words “and promotion” after the word “development”. The motion seconded by Councilmember Campos II carried unanimously. (7-0-0)

Councilmember Schwartz encouraged each councilmember to request Governor Brownback to be a part of the unveiling of the completion of the Capitol Complex renovation.

Mayor Wolgast asked Whitney Damron to comment on what he feels are significant issues over the next few months surrounding the Legislature.

Councilmember Harmon left the meeting.

Whitney Damron reported on January 15, 2014, Governor Brownback will present the “State of the State” address which will set the tone of the budget and people will be anxiously awaiting the Supreme Court decision on the school finances situation which would have an effect on many state services and funding on all levels of government.

Kathy Damron, City Lobbyist, stated they would continue to work with the City Manager to keep the Governing Body informed because it is a very dynamic process.

Councilmember Campos II moved to add Line 51 to the resolution to state “Supports a partnership encouraging a state initiative to develop tourism in the Capitol City.” The motion seconded by Councilmember Ortiz carried unanimously. (6-0-0)

The motion to approve the resolution as amended carried unanimously. (6-0-0)

Retail Cereal Malt Beverage License applications were presented for the following:

<u>Business Name</u>	<u>Address</u>
Cypress Ridge Golf Course	2533 SW Urish Road
Dickey’s Barbecue Pit	609 NW Highway 24
Glory Days Pizza	1033 SW Gage Boulevard
Hooters	6100 SW 10 th Avenue
New China Restaurant	201 SW 29 th Street
North Topeka Golf Center	350 NE US Highway 24
Pizza Parlor	1919 NE Seward Avenue
Porubsky’s	508 NE Sardou Avenue
Sasnak North Inc.	1834 N Topeka Boulevard

A Scrap Metal Dealers License application for Can Do Recycling located at 1921 NE Grantville Road was presented.

Councilmember Campos II moved to approve the retail cereal malt beverage license applications and scrap metal dealer license application as presented. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (7-0-0)

AN APPROPRIATION ORDINANCE introduced by City Manager Jim Colson, approving and adopting certain amendments to the operating budget for the City of Topeka for

the year 2013, and appropriating the amounts for the purpose as set forth therein was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section 3.40.030, establishing a service fee levy for 2014 relating to the Capitol City Downtown Business Improvement District and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, repealing City of Topeka Code Sections 13.05.070 and 13.05.080, eliminating the gas and electric franchise fee refund program and the water and wastewater utility rate refund program was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, removing the “HL” Historic Landmark zoning overlay on property presently zoned “M-1/HL” Two-Family Dwelling District and Historic Landmark, located at 1600 SW Harrison Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 18.255 was presented for first reading. *(HL07/03A)*

AN ORDINANCE introduced by City Manager Jim Colson, designating the Special Street Sales Tax Fund (Fund 292) as a multi-year capital improvement fund pursuant to K.S.A. 12-1, 118 and amendments thereto was presented for first reading.

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

Jim Colson, City Manager, reported a change in accounting standards in the State Legislature and reporting responsibilities of KPERS unfunding actuarial liabilities from State to cities has occurred. He noted an email was distributed to the Governing Body explaining the change; however, there are no costs to the City or changes to City practices. He commended

Councilmember Campos II for reciting a moving invocation during this difficult time for the city due to tragic events.

Jeff White, City of Topeka Financial Advisor, reported that Moody Investor Services, the company that grades the City's debt owns the KPERS pension liability for the City.

Mayor Wolgast reported the 46th Annual Community Thanksgiving Dinner served and fed over 900 people and volunteers delivered 1,500 meals. He noted the food was provided by local businesses and thanked the volunteers that made it happen. He also recognized the volunteers who assisted with the Miracle on Kansas Avenue Christmas Parade.

Councilmember Campos II stated the 46th Annual Community Thanksgiving Dinner was a great event. He expressed concern with the City's expenditures and reminded everyone to be mindful of the most basic needs within the city. He referenced the City of Detroit declaring bankruptcy and asked the City Manager and Public Works Director to provide a fact sheet of how much money the City currently has in bonds and utility bonds. He asked the community to share kindness towards one another especially during the holiday season.

Councilmember Ortiz thanked all the volunteers for assisting at the Community Thanksgiving Dinner. She noted all the food was donated by the community and it was an honor to see Ms. Pauline Johnson, founder of the Community Thanksgiving Dinner, still helping and serving the community. She reminded citizens the Salvation Army is distributing coats on December 7, 2013, free of charge to people in need.

Councilmember De La Isla concurred with fellow councilmembers regarding the four homicides and stated the holidays are a hard season for many people; however, there is help, hope and people that care in the community. She listed the many resources available within the city to assist people.

Councilmember Schwartz reported the Lincolnshire Link is now a Neighborhood Improvement Association in her Council district. She stated she believes building a strong neighborhood connection is essential to a better community. She also reported the second quarterly newsletter for Council District No. 7 is available on the City's website.

Councilmember Schmidt stated building community makes a difference especially in tragic times. He reported the City of Topeka is the only government entity that did not cut social service funding in 2014.

Councilmember Hiller thanked the City Manager for posting the preliminary Council agenda with attachments a week in advance on the City's website. She noted the Miracle on Kansas Avenue Parade was wonderful and well attended by the community. She stated many constituents have expressed their disappointment with the SW 5th Street and SW Washburn Avenue intersection improvement project being shut down; however, they appreciate the efforts made by the City to try and finish the project before the colder weather set in. She expressed sympathy to the families of the homicide victims. She reported the sign ordinance would be discussed during two public hearings scheduled for December 9, 2013, from 12:30 p.m. to 1:30 p.m. and 5:30 p.m. to 6:30 p.m. at the Cyrus K. Holliday Building located at 620 SE Madison.

JoAnne Peavler and Joseph Ledbetter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:13 p.m.

Brenda Younger
City Clerk