

Council Minutes – December 10, 2013

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 10, 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, Pastor John Nenkvele, Church of the Oakland Nazarene, gave the invocation.

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

A PRESENTATION of the Troy Scroggins Award was presented by Stephanie Mott, Human Relations Commission, to the YWCA Girls On The Run Program.

A PRESENTATION on the 2014 Capital Improvement Program and Budget Review was provided by Doug Whitacre, Public Works Director. He distributed a handout outlining the 50 major construction projects managed in 2013 by the City of Topeka, and a handout outlining City-wide Half-Cent Sales Tax projects. He provided a brief status of the projects and reported as they move forward in 2014, staff would be reviewing the language of contracts to tighten regulations and requirements of contractors working on projects; move the Capital Improvement Budget to a three-year process and change management procedures to become more aggressive with contractors to assist them in keeping the construction schedule on-time.

Mayor Wolgast thanked staff for providing a detailed outline of the projects and stated he believes this will help the Governing Body better understand the process.

Councilmember Harmon stated he noticed that asphalt is now being used for some projects instead of concrete. He commended staff for making the change in process due to the extensive time it takes to repair and replace concrete.

Councilmember De La Isla stated constituents have expressed frustration with closing an entire street during construction and asked when moving forward, if the City would work on a strategy to close only one-side of a street at a time during construction.

Doug Whitacre stated street closures are contingent upon the size and width of the road.

Councilmember Schwartz commended the entire Public Works Department for all the work accomplished this summer; however, she questions if there were too many projects to manage effectively. She asked if the majority of street projects are close to completion and if staff anticipates the same issues next summer.

Doug Whitacre stated he concurs with Councilmember Schwartz and noted staff is currently working on a plan to better manage projects effectively in the next construction season.

Councilmember Campos II stated the City should aggressively review contracts in order to better manage contractors. He noted the SE Golden Street Project closed streets for an entire month this summer. He stated he looks forward to these types of issues being resolved during the next construction season.

Councilmember Hiller stated the quality of work on improvement projects several years ago was not suitable and that is why the City is dealing with so many improvement projects right now. She noted she looks forward to tighter regulations and an overall better job on improvement projects.

Doug Whitacre distributed a list of 2014 Capital Improvement Plan projects and provided a brief overview of the projects.

Councilmember Hiller asked if any issues have emerged that would change project timelines.

Doug Whitacre stated staff is not recommending changes to the 2014 project schedule; however, they plan to modify the 2015-2019 Capital Improvement Plan process by reviewing and confirming funding sources, as well as, if there are any major utility projects that need to occur, causing a change in project timelines.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Joseph Wrona to the Metropolitan Topeka Airport Authority for a term ending November 30, 2016, was presented.

MINUTES of the regular meeting of December 3, 2013, were presented.

Dance Hall License applications for Jay Jay's located at 435 S. Kansas Avenue, and Lazy Toad located at 5331 SW 22nd Place, were presented.

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

PUBLIC HEARING NOTICE

A PUBLIC HEARING for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds, amending the 2013 City of Topeka Operating Budget.

ORDINANCE NO. 19864 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 placed on first reading December 3, 2013, was again presented.

Jeff White, City of Topeka Financial Advisor, reported staff has recommended an increase of \$910,000 to the 2013 City of Topeka Operating Budget. He stated the actions would benefit the city and/or residents and listed the following amendments:

- Downtown Business Improvement District Fund \$30,000
- Employee Separation Benefit Fund \$600,000
- KP&F Equalization Fund \$200,000
- Community Improvement District Fund \$80,000
- General Bond and Interest Fund Transfer \$260,000

Councilmember Schwartz asked if the increase of \$910,000 would be considered new money.

Jeff White reported the increase in the Employee Separation Fund are proceeds from the bonds recently issued and the increase in funds to the Community Improvement District were generated by recent economic activity in that area.

Mayor Wolgast opened the public hearing and asked if there was anyone present that would like to speak to the matter. Upon hearing no requests to speak, Mayor Wolgast closed the public hearing.

Councilmember Schmidt moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried. Mayor Wolgast voted “yes.” Councilmembers Campos II, Ortiz and Schwartz voted “no.” (7-3-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Everhart, De La Isla, Manspeaker, Schmidt, Harmon and Mayor Wolgast -7. Noes: Campos II, Ortiz and Schwartz -3.

ORDINANCE NO. 19865 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 placed on first reading December 3, 2013, was again presented.

Jeff White, City of Topeka Financial Advisor, reported there is no change in the service fee from 2013 to 2014.

Vince Frye, Downtown Topeka Inc. President and CEO, appeared to answer questions.

Councilmember Harmon moved to adopt the ordinance. The motion seconded by Councilmember Schmidt carried. Mayor Wolgast “yes.” Councilmember Ortiz voted “no.” (9-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Campos II, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt, Harmon and Mayor Wolgast -9. Noes: Ortiz -1.

ORDINANCE NO. 19866 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 placed on first reading December 3, 2013, was again presented.

Jeff White, City of Topeka Financial Advisor, reported the special street sales tax fund holds the proceeds from the half-cent sales tax that is collected to pay for repairs to existing streets, gutters, curbs and sidewalks. He stated the current unexpected balance exceeds \$13 million, which is funding that sits idle during the off-season, and by designating this fund as a multi-year capital improvement fund, it gives the City the ability to invest in a wider variety of investment options which is expected to double the expected return.

Councilmember Everhart moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt, Harmon and Mayor Wolgast -10.

A PROJECT BUDGET in the amount of \$141,179 and RESOLUTION NO. 8573 introduced by City Manager Jim Colson, authorizing Improvement Project No. T-301031.01

which provides for Phase 2 of the zoo perimeter fence as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented.

Councilmember Schwartz asked if the project is a requirement mandated by the U.S. Department of Agriculture (USDA).

Brendan Wiley, Topeka Zoo Director, confirmed the Zoo security fence project is a requirement and the Zoo must make the improvement to address non-compliant areas that could not be repaired or patched. He reported the project is Phase 2 of a two-part project consisting of replacing the perimeter fence around the zoo to meet the regulatory standards set by the USDA and Association of Zoos and Aquariums (AZA).

Mayor Wolgast stated the improvement would prevent trespassing by unauthorized persons and animals and function as a secondary containment system for the animals in the zoo.

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

A Retail Cereal Malt Beverage License application for Arturo's Mexican Restaurant located at 105 SE 10th Avenue was presented.

Councilmember De La Isla moved to approve the retail cereal malt beverage license application as presented. The motion seconded by Councilmember Manspeaker carried unanimously. Mayor Wolgast voted "yes." (10-0-0)

RESOLUTION NO. 8574 introduced by City Manager Jim Colson, in accordance with Section 18.130.030(c) of the Topeka Municipal Code, approving a Conditional Use Permit to allow for a Reception, Conference, and Assembly Facility and Food Service Facility on property zoned "O&I-2" Office and Institutional District and located at 404 SW 9th Street in the City of Topeka, Kansas was presented. (CU13/5)

Bill Fiander, Planning Department Director, reported approval would allow the historic Dillon House to be used for publicly and privately arranged receptions, conferences and meetings with food and beverage service. He noted it would be an exquisite rehabilitation of the building and Planning staff has recommended approval.

Councilmember Hiller stated she is very excited about the project and encouraged Councilmembers to support the resolution.

Councilmember Campos II moved to approve the resolution. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

ORDINANCE NO. 19867 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 placed on first reading December 3, 2013, was again presented. (HL07/03A)

Bill Fiander, Planning Department Director, reported approval would remove the historic landmark overlay zoning to property located at 1600 SW Harrison. He stated the property had been approved for demolition by the Governing Body; however, the building was destroyed by a fire on October 27, 2013.

Councilmember Harmon moved to adopt the ordinance. The motion seconded by Councilmember Schwartz carried unanimously. Mayor Wolgast voted “yes.” Councilmember Campos II left the room. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt, Harmon and Mayor Wolgast -9. Absent: Campos II -1.

AN ORDINANCE introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 1700 SW Buchanan and 1113-1115 SW 17th Street from “M-1” Two-Family Dwelling District TO “PUD” Planned Unit Development District (“C-1” Commercial uses with residential occupancy, “O&I-2” Office and Institutional District, “M-1” Two-Family Dwelling District) on 1700 SW Buchanan and 1113-1115 SW 17th Street and a vehicle surface parking lot as a principal use on 1113-1115 SW 17th Street was presented for first reading. (*PUDI3/2*)

AN ORDINANCE introduced by City Manager Jim Colson, amending and authorizing the project budget for Improvement Project No. 30127-12, which provides for the design and construction to extend Shunga Multipurpose Trail, as more specifically described herein and repealing City of Topeka Ordinance No. 18721 was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by providing for certain changes in zoning on property located in the southwest quadrant of SW 21st Street and SW Topeka Boulevard from “C-4” Commercial District and “M-1” Two-Family Dwelling District ALL TO “PUD” Planned Unit Development District (“C-4” Commercial and “C-3” Commercial use groups) was presented for first reading. (*PUDI3/3*)

AN ORDINANCE introduced by City Manager Jim Colson, pertaining to an amendment to the text and map of the Topeka Comprehensive Plan for the Historic North Topeka Neighborhood Plan was presented for first reading. (*CPA13/2*)

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

Jim Colson, City Manager, commented on the legacy of icon Nelson Mandela, South African anti-apartheid revolutionary, politician and philanthropist who passed away on December 5, 2013.

Mayor Wolgast announced a JEDO Board meeting would be held on December 12, 2013, at 5:30 p.m. in the City Council Chambers.

Councilmember Campos II encouraged Oakland residents to attend the Oakland Compass Public Meeting on December 11, 2013, from 6:30 p.m. to 8:00 p.m. at Sacred Heart Catholic Church Hall located at 312 NE Freeman Avenue. He stated discussion would include SORT Grant funding for the target area in Council District No 2.

Councilmember De La Isla commented on the legacy of Nelson Mandela and how he impacted the world through inspiration and hope.

Councilmember Manspeaker commended City street crews on the way they handled the recent snow removal event. He questioned if the City pre-treats all major streets, and if not, to explore the cost verses benefits in doing so. He thanked the Topeka Police and Fire Departments for their tireless efforts in dealing with accidents and emergency situations during the severe cold weather.

Councilmember Schwartz stated she recently spoke with Governor Brownback regarding Kansas Day in January 2014 and noted the City Council would receive an invite to the event. She congratulated Neil Dobler on being elected the new Chairman of the Greater Topeka Chamber of Commerce Board.

Councilmember Hiller invited the community to attend the Tennessee Town Neighborhood Improvement Association Christmas Dinner on December 14, 2013, from 4:00 p.m. to 6:00 p.m. at the Faith Temple Church of God in Christ Parrish Hall. She also invited the

community to participate in the candlelight vigil at the Law Enforcement Center on December 16, 2013, to honor Topeka Police Corporal David Gogian and Officer Jeff Atherly who lost their lives in the line of duty on December 16, 2012.

Frank Hoge appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:18 p.m.

Brenda Younger
City Clerk