

Council Minutes – February 11, 2014

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 11, 2014. 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, Manspeaker, Schwartz, Schmidt and Harmon -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember De La Isla -1.

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

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

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Ash Davis to the Board of Electrical Examiners to fill an unexpired term ending January 31, 2015, was presented.

MINUTES of the regular meeting of January 28, 2014, were presented.

An Open After Midnight License application for Stevie Rae's located at 555 SW 39th Street, was presented.

Councilmember Ortiz moved to approve the consent agenda. The motion seconded by Councilmember Campos II carried unanimously. (8-0-0)

ORDINANCE NO. 19880 introduced by City Manager Jim Colson, amending City of Topeka Code Section 9.05.080, concerning adoption of the 2013 Uniform Public Offense Code and specifically repealing said original section placed on first reading November 12, 2013, was again presented.

Councilmember Manspeaker gave the Policy and Finance Committee report and stated the committee recommended approval of the ordinance as amended by a vote of 3-0-0. He reported

the amended ordinance added Section 10.1.1(a)(5) (“Criminal Carrying of a Weapon”) and deleted Section 3.1.1 (“Domestic Battery”).

Chad Sublet, City Attorney, distributed a memo regarding the fiscal note associated with the possible prosecution of domestic battery cases and noted domestic battery cases are not typical cases and expend a lot of time, energy, focus and resources in dealing with the victims and prosecuting the criminals. He reported Shawnee County filed 486 new misdemeanor domestic battery cases in 2013, which averaged approximately 40 new filings per month and an average of 30% of convicted offenders have their probation revoked. He stated four new positions would need to be added within the City’s Legal Department to have the resources to prosecute domestic battery cases; therefore, he suggested not adopting domestic battery at this time so they can determine a fiscal strategy during the 2015 budget process, ensuring a successful program. He noted he has reached out to the Shawnee County District Attorney’s office to discuss their plan; however, they have not met to discuss as of yet.

Mayor Wolgast asked if the issues raised by the Legal Department were discussed with the Policy and Finance Committee.

Chad Sublet confirmed the issues were discussed at the committee meeting.

Councilmember Everhart expressed her appreciation to City staff for their work in drafting the ordinance. She stated it was not the intent of the Committee to start prosecuting cases immediately if the ordinance was adopted, as currently law enforcement officers assign certain types of violations to the proper corresponding law agency *i.e.*, domestic battery cases. She suggested when reviewing the fiscal note to consider utilizing third year law students for all misdemeanor cases.

Luther Ganieny, Chief of Prosecution, stated if domestic battery was included in the ordinance the Topeka Police Department would have the option to write the violation to either Topeka Municipal Court or Shawnee County District Court.

Chad Sublet reported an intern program has been established in Prosecution; however, an experienced attorney in this area is needed to provide direction to the law interns.

Councilmember Schwartz encouraged the City and County to work together if funding was cut again at the County level. She asked if adoption of the ordinance would change the process. She noted she had discussions with other cities on how domestic battery cases were prosecuted in their area.

Chad Sublet stated he was directed to draft a fiscal note for the Council and could not speak for the county.

Councilmember Ortiz stated she believes the message is clear that Topeka is not equipped to handle prosecuting domestic battery cases and supports the amendment to delete domestic battery from City Code. She expressed concern if the Governing Body adopts domestic battery cases and funding is cut from the County's budget the prosecution of these cases would be left to the City and she feels this issue is too important to run the risk.

Councilmember Campos II asked if all domestic battery cases are prosecuted through the Shawnee County District Attorney's office. He stated he would support the prosecution of these cases if the City could identify the funding sources because he understands how important the issue is. He suggested adding language to the ordinance to protect the City if the District Attorney decides not to prosecute the cases anymore because of reduced funding. He noted he does not want to raise property taxes to provide a service that is presently provided by Shawnee County.

Chad Sublet stated all domestic battery cases are prosecuted by Shawnee County District Court at this time; however, domestic tag cases (connected to a criminal case) are prosecuted by the City.

Councilmember Harmon stated he agrees the City must have the proper resources; therefore, he would suggest amending the ordinance to become effective January 1, 2015, in order to allow time for the Governing Body to discuss funding and other resources during the budget process.

Chad Sublet stated it would be extremely difficult to prosecute these cases with the current staffing in the City's Legal Department.

Jim Colson, City Manager, expressed concern with the fiscal impact of implementing the process without fully discussing the effects it could have on the 2015 budget.

Councilmember Schmidt questioned if the 2013 UPOC has to be adopted at this time. He noted if the District Attorney decides not to prosecute the cases, then at that time, the Governing Body could revisit the issue.

Chad Sublet stated there would still be financial concerns; however, the Governing Body could adopt the 2013 UPOC at a later date.

Councilmember Hiller stated there are many issues that need to be considered and discussed at length in regards to the City prosecuting domestic battery cases. She noted there would be a much larger fiscal note than what has been presented. She reported some of the issues include capacity and staffing and noted Shawnee County has the space and resources to handle these types of cases at this time and if the City and County share the responsibility the system would need to be revised and a coordinated partnership would have to be established, as

well as, more space and staffing for the City. She expressed concern with no clear commitment from the County to share the responsibility at this time.

Jim Colson stated staff is not advocating that the City start prosecuting the cases; however, staff was directed to draft a fiscal note to show what resources would be needed if the City were to start. He reported there have been no discussions with the District Attorney's office that would make him believe the County would not prosecute these cases; however, we have to consider the history of the matter.

Councilmember Campos II asked why line 21 "Cruelty to Animals" would be omitted.

Chad Sublet stated the issue is addressed in a separate ordinance.

Maryanna Quilty, President of the League of Women Voters, distributed a handout supporting the adoption of the 2013 Uniform Public Offense Code. She spoke in support of the amendment to the UPOC which would include the language mandating the unloading of firearms and enclosing them in a carrying case prior to being transported in a vehicle.

Johnny Jackson spoke in support of being allowed to have a loaded firearm in a vehicle because he believes citizens have the right to protect themselves and most law-abiding citizens are not going to break the law.

Councilmember Campos II stated he concurs with Mr. Jackson because conceal and carry permit holders go through a registration process with the Shawnee County Sherriff's office and Kansas Attorney General's office.

Councilmember Campos II moved to adopt the ordinance. The motion was seconded by Councilmember Ortiz.

Councilmember Campos II moved to amend line 19 of the ordinance by deleting Section 3.1.1 (Domestic Battery). The motion was seconded by Councilmember Ortiz.

Councilmember Schwartz spoke in opposition of the City prosecuting domestic battery cases at this time and encouraged the City and County to work together and possibly share some of the services needed to help keep our citizens safe.

Councilmember Campos II expressed appreciation to the committee for their work on the issue; however, cities that prosecute these types of cases have identified the funding necessary to handle these cases in the proper manner.

Councilmember Hiller noted that State law prohibits domestic violence so every citizen is protected under the law.

Councilmember Manspeaker stated he is not convinced the City would not be forced to prosecute these cases by the District Attorney if it is mandated in City Code. He suggested they review the City's budget to ensure the City could provide the necessary services.

Councilmember Ortiz noted social services funding is continually reduced every year by the City and County which directly affects domestic battery services.

The motion to amend line 19 of the ordinance by deleting Section 3.1.1 (Domestic Battery) failed. Councilmembers Everhart, Schwartz, Schmidt, Harmon and Mayor Wolgast voted "no."
(4-5-0)

Councilmember Harmon moved to amend line 44 of the ordinance to state, "This ordinance shall take effect and be in force from and after January 1, 2015." The motion was seconded by Councilmember Schwartz.

Councilmember Campos II asked if the 2012 UPOC could remain in effect throughout 2014, and if so, would the section relating to the carrying of a firearm in a vehicle still be omitted since it was inadvertently left out of the 2012 UPOC.

Luther Ganieny reported all provisions adopted by the 2012 UPOC would remain in effect.

Councilmember Schmidt offered a friendly amendment to line 44 to include the statement “except that Section 3.1.1 of the UPOC 2013 shall not take effect until January 1, 2015.”

Councilmember Harmon agreed to the friendly amendment. The second concurred.

The motion to amend the ordinance carried. Councilmember Ortiz voted “no.” (8-1-0)

Councilmember Ortiz moved to adopt the ordinance as amended. The motion seconded by Councilmember Campos II carried. Mayor Wolgast voted “yes.” Councilmembers Campos II and Ortiz voted “no.” (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Everhart, Manspeaker, Schwartz, Schmidt, Harmon and Mayor Wolgast -7. Noes: Campos II and Ortiz - 2. Absent: De La Isla -1.

A PROJECT BUDGET in the amount of \$500,000, ORDINANCE NO. 19881 and A NOTICE OF INTENTION introduced by City Manager Jim Colson, authorizing Improvement Project No. T-291018.01 for Phase 1 of Oakland Waste Water Treatment Plant Solids Handling/Bio-Gas evaluation, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the Governing Body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101, et seq., and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general

improvement to the City's waterworks, sanitary and/or stormwater sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof placed on first reading January 28, 2014, was again presented.

Doug Whitacre, Public Works Director, reported approval would authorize the evaluation of new operational processes and necessary equipment upgrades for the waste activated sludge and dewatering of the secondary digestive sludge. He stated the upgrades would offset some maintenance and operational costs at the plant and the improved system would permit alternative usage of methane produced at the plant realizing beneficial re-use and better efficiency.

Councilmember Campos II asked if City staff consulted with the Topeka Sustainability Advisory Council for guidance and researched how the use of methane could improve renewable energy.

Councilmember Hiller spoke in support of the project; however, she hopes the City could work towards being debt free in the future.

Councilmember Campos II asked if the City could fund the project with cash.

Doug Whitacre stated the project would be paid from the Utility Operating fund.

Jeff White, City Financial Advisor, stated approval of the ordinance would allow the maximum flexibility in determining what type of funding is needed and establish the authority to determine funding sources. He noted the funding sources listed are the same for all the projects presented this evening.

Councilmember Harmon moved to approve the project budget and notice of intention and adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Wolgast voted "yes." (9-0-0)

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

A PROJECT BUDGET in the amount of \$3,500,000, ORDINANCE NO. 19882 and A NOTICE OF INTENTION introduced by City Manager Jim Colson, authorizing Improvement Project No. T-291030.00 for Combined Sewer Overflow No. 7 Rehabilitation, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the Governing Body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101, et seq., and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's waterworks, sanitary and/or stormwater sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof placed on first reading January 28, 2014, was again presented.

Doug Whitacre, Public Works Director, reported approval would follow the regulatory requirement by the Kansas Department of Health and Environment and the Environmental Protection Agency for the elimination and reduction of Combined Sewer Overflows (CSO)/Sanitary Sewer Overflows (SSO) activity and would also reduce City Wastewater Utility operation and maintenance costs associated with these efforts.

Councilmember Ortiz moved to approve the project budget and notice of intention and adopt the ordinance. The motion seconded by Councilmember Campos II carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

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

A PROJECT BUDGET in the amount of \$2,670,000, AN ORDINANCE and A NOTICE OF INTENTION introduced by City Manager Jim Colson, authorizing Improvement Project No. T-281028.00 for water main extension from SW 37th Street through Clarion Park to SW 41st and Wanamaker Road, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the Governing Body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101, et seq., and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City’s waterworks, sanitary and/or stormwater sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof placed on first reading January 28, 2014, was again presented.

Doug Whitacre, Public Works Director, reported approval would install a redundancy transmission main from the Fairlawn Booster Pumping Station to the two water storage tanks in the West Pressure Zone which would enable the City to provide reliable fire protection and water

supply to the Wannamaker Corridor in the West Pressure Zone. He stated the project would also enable a water pressure zone re-alignment to address water pressure inadequacies in south and west Topeka.

Councilmember Schmidt moved to approve the project budget and notice of intention and adopt the ordinance. The motion was seconded by Councilmember Campos II.

Councilmember Manspeaker asked what percentage of water mains have redundancies, and how much water going through the water mains is being sold to rural water districts. He expressed concern with building redundancy pipes for properties outside the city and building infrastructure that is unsustainable.

Don Rankin, Director of Utilities Infrastructure, stated staff has identified capacity issues and what has become critical to continue to supply water to each zone because each zone is built differently. He reported redundancy improvements have been made to the South Montara Pump Station to help improve the water supply in that area.

Councilmember Everhart spoke in opposition of the project and expressed concern with the extremely low water pressure in southeast Topeka.

Councilmember Schmidt stated the project would affect the Wanamaker corridor, as well as, approximately 38,000 people in the western portion of the city.

Councilmember Campos II asked if rural water district customers pay a higher rate than city residents.

Councilmember Harmon stated he wants to make sure the water issues are addressed in southeast Topeka, as well as, redundancies across the entire city. He suggested deferring the project a couple of weeks to allow time for staff to provide more information on the water pressure and redundancy issues throughout the city.

Councilmember Harmon made a substitute motion to defer the project budget, notice of intention and ordinance for three (3) weeks. The motion was seconded by Councilmember Everhart.

Councilmember Schwartz asked if the deferral would cause problems or be a financial risk to the project. She asked how much sales tax revenues are generated from Council District Nos. 7, 8 and 9. She reminded the Council that the Wanamaker corridor brings in large amounts of business and sales tax revenues and as a Governing Body they should want to provide what is necessary to make the area thrive.

Doug Whitacre stated he does not believe the deferral would do any harm to the project at this time.

Jim Colson stated he believes the deferral would be helpful to allow time to understand the impact of the project and water issues throughout the city.

Councilmember Everhart stated she would like to address the water issues happening in southeast Topeka and appreciates the extra time to review the impact of the project.

The motion to defer the project budget, notice of intention and ordinance for three (3) weeks carried. Mayor Wolgast voted “yes.” Councilmembers Ortiz, Schwartz and Schmidt voted “no.” (6-3-0)

A PROJECT BUDGET in the amount of \$900,000, ORDINANCE NO. 19883 and A NOTICE OF INTENTION introduced by City Manager Jim Colson, authorizing Improvement Project No. T-151016.01 for storm water piping replacement at SE 29th Street between Kansas Avenue and SE Fremont Street, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the Governing Body of

the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101, et seq., and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's waterworks, sanitary and/or stormwater sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof placed on first reading January 28, 2014, was again presented.

Doug Whitacre, Public Works Director, reported approval would authorize required remediation efforts to stabilize and improve the drainage conveyance system along SE 29th Street and Butcher Creek. He noted properties located at 131, 133 and 201 SE 29th Street are all located or partially located in the FEMA Floodway and the commercial building located at 131 SE 29th Street was built on top of the existing storm sewer system; therefore, the project would replace approximately 200 feet of large diameter pipe under the parking area at 131, 133 and 201 SE 29th Street.

Mayor Wolgast reported there have been serious flood issues in this area for many years.

Councilmember Campos II stated he understands the importance of the project; however, businesses in the area were not contacted. He suggested the City improve the lines of communication to area businesses that could be affected by the project.

Councilmember Campos II moved to approve the project budget and notice of intention and adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Wolgast voted "yes." (9-0-0)

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

A PROJECT BUDGET in the amount of \$1,500,000, ORDINANCE NO. 19884 and A NOTICE OF INTENTION introduced by City Manager Jim Colson, authorizing Improvement Project No. T-501018.00 for Phase I of the City Park Stormwater Pump Station Rehabilitation, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the Governing Body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101, et seq., and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's waterworks, sanitary and/or stormwater sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof placed on first reading January 28, 2014, was again presented.

Doug Whitacre, Public Works Director, reported approval would authorize the design and partial installation of a modern and more effective motor control system to replace the existing system in the City Park Storm water Pump Station which is a critical flood protection asset. He stated updating the current equipment would reduce the risk for flood damages within the neighboring community and also reduce current operations and maintenance costs to the City.

Councilmember Ortiz moved to approve the project budget and notice of intention and adopt the ordinance. The motion seconded by Councilmember Everhart carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

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

A PROJECT BUDGET in the amount of \$1,000,000, ORDINANCE NO. 19885 and A NOTICE OF INTENTION introduced by City Manager Jim Colson, authorizing Improvement Project No. T-291028.00 for 2014 Wastewater Main Lining and Replacement Program, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the Governing Body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101, et seq., and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City’s waterworks, sanitary and/or stormwater sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof placed on first reading January 28, 2014 was again presented.

Doug Whitacre, Public Works Director, reported approval would authorize the installation of pipe lining and replacement of wastewater mains deemed to have the most extensive cleaning, foaming and repair histories which is a regulatory requirement by the Kansas Department of

Health and Environment and the Environmental Protection Agency for the elimination and reduction of inflow and infiltration and Sanitary Sewer Overflow (SSO) activity. He stated the project would also reduce City Wastewater Utility operation and maintenance costs associated with these efforts.

Councilmember Ortiz moved to approve the project budget and notice of intention and adopt the ordinance. The motion seconded by Councilmember Campos II carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

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

A PROJECT BUDGET in the amount of \$2,000,000, ORDINANCE NO. 19886 and A NOTICE OF INTENTION introduced by City Manager Jim Colson, authorizing Improvement Project No. T-281076.00 for 2014 Water Main Replacement Program, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the Governing Body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101, et seq., and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City’s waterworks, sanitary and/or stormwater sewage disposal system pursuant to City of Topeka Code Section A12-1, and

authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof placed on first reading January 28, 2014, was again presented.

Doug Whitacre, Public Works Director, reported the project would focus on restoring water mains considered to have the most extensive break repair histories located throughout the City's water service area and also include replacements associated with half-cent sales tax and other priority improvement projects to be implement by the City Engineering Division.

Councilmember Ortiz moved to approve the project budget and notice of intention and adopt the ordinance. The motion was seconded by Councilmember Campos II.

Councilmember Manspeaker asked if there is a master plan on how to replace water mains throughout the entire city, as there are some areas that have dealt with repeated water main breaks. He noted there is no plan to repair the water mains in the area of SW 15th Street with the upcoming half-cent sales tax revenues and stated he believes the plan is still lacking in some areas.

Doug Whitacre stated the water main repairs would have key priority in areas where half-cent sales tax projects are scheduled; and other areas that have experienced several water main breaks would be prioritized by the risk factor.

Councilmember Campos II asked if the 2002 Water Distribution System Master Plan could be revised to include the water main replacement projects. He asked how much water utility infrastructure debt the City currently carries.

Doug Whitacre stated they are working on a plan and should have a preliminary plan to present to the Council in a few months.

Councilmember Hiller asked if there was a total dollar amount for the 2014 Water main Replacement Program to replace all the water mains included in the half-cent sales tax projects.

Don Rankin, Director of Utilities Infrastructure, reported the \$2 million project budget would not cover replacement of all water mains associated with half-cent sales tax projects.

Jeff White, City Financial Advisor, reported the total water utility infrastructure debt for the City of Topeka is \$189 million.

The motion to approve the project budget and notice of intention and adopt the ordinance carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

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

APPROVAL of Social Services Review Process through the utilization of the Funding Priorities worksheet, Grant Scoring Criteria worksheet and 2015 Grants Calendar was presented.

Councilmember Hiller gave the committee report and stated the process would tie into the City’s new budget calendar. She provided an overview of the worksheets on the grant scoring criteria and funding recommendations.

Councilmember Schmidt stated the committee meeting went well and many social services were present and active in drafting a process.

Councilmember Ortiz expressed concern with how new agencies would fit into the system.

Councilmember Hiller stated any social service agency could apply through the request for proposal process, ensuring adequate performance is being maintained through the rating system.

Councilmember Schmidt stated he shared Councilmember Ortiz’s concerns; therefore, the ability to evaluate past performance is included in the worksheet; however, it was revised from “City Performance” to just “Performance” to include new agencies. He spoke in support of the new process and believes it allows new agencies the opportunity to apply for funding.

Councilmember Harmon stated the social service funding review process has been handled differently every year and commended the Economic and Community Development Committee for developing perimeters. He spoke in support of the social services review process and also commended the City Manager for initiating the changes.

Councilmember Campos II moved to approve the Social Services Review process. The motion seconded by Councilmember Schmidt carried. Councilmember Ortiz voted “no.”

(7-1-0)

APPROVAL of the Economic and Community Development Committee’s Social Services 2015 Funding Priorities and Budget Recommendation was presented.

Councilmember Hiller gave an overview of the initial budget recommendations for 2015 funding priorities.

Councilmember Ortiz asked what is the minimum grant amount; what is the committee’s definition of “youth”; and where do new agencies fit in in the process.

Councilmember Hiller reported the committee had extensive discussion on the costs to administer grants through the City and other agencies and set the minimum City grant amount at \$10,000 to keep it cost effective. She stated the committee believes “Youth Services” includes infant through 18 or 19 years old. She also stated the new agencies have to fit the criteria outlined in the program and scale.

Councilmember Campos II expressed his appreciation to the committee for their work on establishing a new process; however, he expressed concern on how new agencies, especially those who are not-for-profit, would fit into the criteria. He stated he believes the criteria is too narrow and noted the federal guidelines for Community Development Block Grants are not as narrow as this process seems to be.

Councilmember Schmidt stated a social service agency would fit into one of the categories outlined on the worksheet so there should not be any limitations on what social service agency could apply.

Chad Sublet, City Attorney, stated the Council has approved the social service review process and only the approval of funding recommendations are being considered at this time.

Councilmember Campos II moved to approve the Economic and Community Development Committee 2015 Social Services Funding Priorities and Budget Recommendations. The motion seconded by Councilmember Hiller carried. Councilmembers Campos II and Ortiz voted “no.” (6-2-0)

RESOLUTION NO. 8590 introduced by City Manager Jim Colson, supporting the City of Topeka’s application for funding from the Kansas Department of Transportation to implement Phase 2 of the Topeka Bikeways Master Plan, as more specifically described herein was presented.

Bill Fiander, Planning Department Director, reported approval would authorize submission of the Transportation Alternatives Grant application to the Kansas Department of Transportation for \$278,844 to fund the construction of the second phase of the Topeka Bikeways Master Plan which would cover 13.2 miles of bikeways within the city and link paths under construction in 2014. He stated the City’s share of funds would be \$80,768 which would likely be \$25,000 from the 2015 allocation of Complete Street funds and \$55,768 from the Topeka Bikeways Advisory Committee.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Campos II carried unanimously. (8-0-0)

RESOLUTION NO. 8591 introduced by City Manager Jim Colson, supporting the city of Topeka's application for funding for the Kansas Department of Transportation to fund the final phase of the Washburn-Lane Parkway Plan (November 2001), more specifically the Washburn/Lane Pedestrian Lighting and Right-Of-Way Enhancement Project was presented.

Doug Whitacre, Public Works Department Director, reported approval would authorize submission of a Transportation Alternative Grant application to the Kansas Department of Transportation for funding construction of the final phase of the Washburn-Lane Parkway Plan. He stated the City's share of funds would be \$274,642 which would likely be taken from the Complete Streets and infrastructure funds for matching grants, as well as, a private donation of \$23,500 from the Topeka TurnAround Team, Inc.

Councilmember Campos II moved to approve the resolution. The motion was seconded by Councilmember Everhart.

Doug Taylor noted the Washburn-Lane Parkway Plan has been in effect since November 2001 and spoke in support of the project which would route through eight neighborhoods and include private commitments.

The motion to approve the resolution carried unanimously. (8-0-0)

NO retail cereal malt beverage or scrap metal dealer license applications were presented.

ORDINANCE NO. 19887 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 amending the District Zoning classification from "R-1" Single Family Dwelling District TO "R-1/NCD-1" Single Family Dwelling District/Westboro Neighborhood Conservation District on properties located between SW Huntoon and SW 17th Street and between SW Oakley and SW Gage Boulevard, excluding the commercial properties on the

southwest corner of SW Huntoon and SW Oakley (Westboro Shopping Center) placed on first reading January 28, 2014, was again presented. *(NCD13/1)*

Councilmember Manspeaker reported the zoning amendment is the first application of Topeka Municipal Code Section 18.270, Neighborhood Conservation District which was adopted in May 2013. He stated approval would create an overlay zoning district specific to the Westboro neighborhood. He also reported three public meetings were conducted, followed by presentation to the Topeka Planning Commission in a work session on November 25, 2013. He noted the Neighborhood Conservation District was drafted to protect the historic character and atmosphere in the Westboro neighborhood.

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

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

AN ORDINANCE introduced by City Manager Jim Colson, concerning the elimination of zoning designation “E” Multiple-Family Dwelling District, amending City of Topeka Code Section 18.50.030 and specifically repealing said original section, as well as, Chapter 18.115 in its entirety was presented for first reading. *(ACZR11/7)*

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 approximately two miles east of SW Topeka Boulevard and ¼ mile north of SE 77th Street, along the east side

of SE California Avenue from “I-1” Light Industrial District TO “RR-1” Residential Reserve District was presented for first reading. (Z13/9)

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 at 1402 NW Lower Silver Lake Road from “C-2” Commercial District TO “R-1” Single-Family Dwelling District was presented for first reading. (Z14/2)

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

Jim Colson, City Manager, reported the City snow crews aggressively attacked the snow event on February 4 and 5, 2014, and thanked City employees who worked very hard during the event. He stated he is working with the City Attorney’s office and Public Works Department to address ways in dealing with clearing snow in residential neighborhoods.

Councilmember Everhart expressed appreciation to City employees for their hard work during the snow event. She thanked the City Manager for looking at ways to make changes to the snow removal policy in the future.

Councilmember Manspeaker commended City staff for working hard to get the roads cleared during the snow event, as well as, the Topeka Fire and Police Departments for their hard work to keep citizens safe during the inclement weather. He stated he believes the City struggled with communicating a clear plan for snow removal to citizens; therefore, the City should move forward and put the resources in place to execute how residential neighborhoods would be cleared.

Councilmember Schwartz thanked all the good Samaritans and City staff in helping clear sidewalks and streets.

Councilmember Schmidt thanked the City street crews for prepping the streets before the snow event and working around the clock during the inclement weather. He stated there were some issues with residential streets and encouraged citizens to provide input so the City knows what areas need to be cleared, helping them draft an effective snow removal policy.

Councilmember Harmon announced a Transient Guest Tax Committee meeting is scheduled for February 14, 2014, in the Executive Conference Room located at City Hall, 215 SE 7th Street at 4:00 p.m.

Councilmember Hiller thanked City staff and all good Samaritans for working hard during the inclement weather. She encouraged citizens to provide input on snow removal in their neighborhoods.

Councilmember Campos II reported the Oakland neighborhood streets were cleared due to efforts made by area residents.

Councilmember Ortiz thanked the City Manager for his hard work and communication with the public during the snow event. She encouraged Councilmembers to participate in a ride-along with a snow crew to gain a different perspective. She also thanked residents that assisted others in shoveling snow and clearing snow from vehicles.

Mayor Wolgast encouraged citizens to provide input to the City on ways to improve the snow removal policy. He stated the Governing Body should be able to accept and understand communication regarding the City's plan to handle snow removal in residential areas to better serve the community. He also encouraged citizens to clean snow from their sidewalks per the City's snow removal policy. He announced the Joint Economic Development Organization

Board has a meeting scheduled on February 12, 2014, in the City Council Chambers located at 214 SE 8th Street at 6:00 p.m.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:26 p.m.

Brenda Younger
City Clerk