

Council Minutes – June 10, 2014

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 10, 2014. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Brown, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -9. Mayor Larry E. Wolgast presided -1.

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

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

A PRESENTATION of the Troy Scroggins Humanitarian Award presented by the Topeka Human Relations Commission was given to Jeremy Beard.

THE CONSENT AGENDA was presented as follows:

DENIAL of a tort claim filed by Chaeson Dominguez requesting reimbursement in the amount of \$1,865 for out-of-pocket medical expenses incurred on December 4, 2013, in the parking lot of the Cyrus K. Holliday building was presented.

DENIAL of tort claim filed by Stephen Germes seeking damages in the amount of \$30,000 due to damage incurred to the walls and foundation of claimant's home on September 30, 2011, was presented.

MINUTES of the regular meeting of June 3, 2014, were presented.

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

ORDINANCE NO. 19908 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 Master Planned Unit Development Plan (O&I-3, M-1a, R-1, I-1 us groups) for Kanza Education and Science Park on property that is bounded by Interstate 70

on the north, SW MacVicar on the east, SW Frazier on the west, and SW 6th Avenue on the south to include a 2.14 acre property-tract that is located at the southwest corner of SW Kanza Drive and SW MacVicar Avenue into the PUD boundary area was presented. (*PUD11/5A*)

Bill Fiander, Planning Department Director, reported approval would add a 2.14 acre tract at the southwest corner of SW MacVicar Avenue and SW Kanza Drive into the Kanza Education and Science Park to allow additional green space for an 87,700 square foot medical office building.

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

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

DEMOLITION PERMIT REQUEST for a four-unit apartment building located at 715 SW 12th Street, within the boundaries of the Holliday Park National Historic District, in the City of Topeka, Shawnee County, Kansas, pursuant to Topeka Municipal Code Section 18.255.030, was presented. (*CLGR14/01*)

Jim Colson, City Manager, stated the City continues to strive to establish a demolition program process to address property issues throughout the city.

Bill Fiander, Planning Department Director, reported the property lacks off-street parking for tenants; is not conducive to marketability and consists of four units totaling 2,600 square feet. He also reported the current and previous property owners have not demonstrated a commitment to the building’s maintenance and have let the property decline into a state of un-inhabitability. He noted the appeal is before the Governing Body because it is a contributing property within a national historic district and the Topeka Landmarks Commission has determined the proposal would damage or destroy the historic integrity of that property. He stated State law stipulates

more flexible criteria when the Governing Body considers an appeal to find there are no feasible or prudent alternatives and that all planning to minimize harm to the historic property have been made.

Mayor Wolgast asked if costs have been determined for the demolition request; if the property owners are current on property taxes; and if there has been discussion regarding plans for the property once it has been demolished.

Darin Scott, Neighborhood Relations, stated costs and inspections would be determined once the demolition permit request is approved; and there has been no contact with the property owners since March 2014.

Jim Colson reported the funds have not been identified for the demolition; however, once funding is available the demolition would move forward. He noted the demolition may occur next year due to another property's demolition estimates being more than anticipated because of asbestos removal.

Councilmember Hiller stated the local residents appreciate Code Compliance staff efforts and looks forward to a new demolition process for properties.

Councilmember Hiller moved to approve the demolition permit based on the finding there are no prudent or feasible alternatives and that all planning to minimize harm to the historic property have been made. The motion seconded by Councilmember De La Isla carried. Mayor Wolgast voted "yes." Councilmember Manspeaker voted "no." (9-1-0)

APPROVAL of the 2015 Social Services and Contracted Services Allocations in the amount of \$631,999 was presented.

Councilmember De La Isla gave the Economic and Community Development Committee report and stated the committee made sure transparency was conducted throughout the process and the new services were able to apply for funding and noted it was a very difficult process

because some organizations did not receive funding. She reported the Economic and Community Development Committee voted unanimously to recommend to the full Council approval of 2015 Social Services and Contracted Services allocations totaling \$631,999.

Councilmember Ortiz asked for clarification on the differences between Tier 1 and Tier 2 agencies.

Councilmember De La Isla stated agencies scoring the highest based on merit are listed in Tier 1 and the agencies with the lowest scoring are listed in Tier 2.

Councilmember Ortiz asked if the amounts listed are the total amounts allocated and what would happen if the City receives more funding.

Councilmember De La Isla stated the requested amounts are listed to begin with to make the budget process easier and allow organizations to continue their budget process. She noted she does not expect any agencies to request additional funds.

Councilmember Everhart expressed concern with East Topeka Council on Aging funding cuts and noted the agency has a long history of good work within the community.

Councilmember Ortiz stated she concurs with Councilmember Everhart and is also concerned with Topeka Youth Project – Youth Court funding cuts.

Janet Schlansky, East Topeka Senior Center Board Chairman, distributed a memo to the Governing Body and expressed concern with the scoring sheet used during the application process. She stated City staff has been very helpful throughout the application process; however, the application had very limited space which made it difficult for a multi-service agency. She noted the East Topeka Senior Center may have to close its doors because of the funding losses and explained it is important to continue to provide these types of services in the east Topeka area.

Joanie Underwood, Marian Clinic Board of Directors Vice President, stated she understands and supports the reasons why the City initiated the new application process for allocating grant monies; however, she encouraged the Council to consider a year of transition to reassess the decisions made regarding the 2015 allocations. She reported the Marian Clinic worked diligently with the Safety Net Task Force to determine how to serve those in the community without healthcare insurance and health services because it is the only free clinic in Topeka.

Joseph Ledbetter expressed concern with the Marian Clinic funding cuts because the agency has served the community for many years and there is a vast need for their services. He stated he would hope the same level of scrutiny would be given to economic development.

Councilmember Everhart stated she understands going through the application process for the first time is difficult; however, she is concerned with the funding increase to Positive Connections from 2014 to 2015. She questioned if the increase could be divided among Marian Clinic, East Topeka Council on Aging and Positive Connections.

Councilmember De La Isla stated the Committee strived to make the application process more equitable and transparent and no member of the Committee wanted to cut funding from any organization; however, organizations must follow the criteria outlined during the application process. She reported the Committee voted unanimously to recommend the grant allocations and implored the Council to approve the recommendations as presented.

Councilmember Schmidt reported there were six hours of public hearings broadcast on City4 and many social services attended. He stated the application process was very thorough and they strived to determine allocation amounts prior to the budget process. He stated every organization considered performs great work; however, the City could not fund all of them at this time. He noted the scores are outlined for each organization and it would not be fair in his

opinion to the organizations that did score well on the application or allow emotions to cloud the process. He encouraged the Council to support the recommendations.

Councilmember Schwartz commended the Economic and Community Development Committee for their work. She noted the six agencies receiving allocations received more funding for 2015 than in 2014 and asked if the recommendation could be referred back to the Committee to establish an appeal process and see if funding could be divided between all the organizations that applied.

Jim Colson stated the application process changed because there was concern expressed with the previous process to conduct it more objectively.

Councilmember De La Isla stated this is the second year of the application process and exceptions were made the first year that included more leniencies. She noted all the organizations were asked to organize their budgets accordingly so they could prepare for this year's process and City staff was readily available to answer questions and a workshop was held to provide feedback when the process was complete. She commended City staff and the Committee for their hard work. She stated she finds it extremely disturbing if the City funds organizations that have not proven results at this point in the process.

Councilmember Schmidt stated the Committee did not review past allocations, which has set precedence every year. He reported the Committee reviewed and justified measurable results listed by each organization.

Councilmember Hiller stated the concept was to have an objective process to review performance and outcomes. She gave a brief summary of the application process.

Councilmember Harmon moved to adopt the committee report. The motion died due to a lack of a second.

Councilmember Schmidt moved to approve the 2015 allocations as recommended by the Economic and Community Development Committee. The motion was seconded by Councilmember De La Isla.

Councilmember Hiller made a substitute motion to adopt the allocations with regards to the recipients identified in the report and to direct all appeals to the Economic and Community Development Committee. The motion was seconded by Councilmember Schwartz.

Councilmember Everhart spoke in opposition of the substitute motion and questioned how the appeal process would be handled if the amount allocated is adopted.

Councilmember Hiller stated the substitute motion would be a learning curve to allow agencies to hear more detail from the Committee about their application and why it did not score well.

Councilmember Schwartz spoke in opposition of the substitute motion because she believes there should be an appeal process.

Councilmember Brown stated he concurs with Councilmember Schwartz. He requested that there be an end result to the process where there is a reduction in funding for the agencies that do not score well instead of total funding cuts.

Councilmember Schmidt reported the Committee reviewed several funding models and made the modification to not fund any agency under \$10,000 because of the time involved in the process. He stated two tiers were created for level of performance and agencies were funded in response to performance. He encouraged Councilmembers who oppose the recommendations to offer counter proposals because he believes the process was established to measure performance results for allocations.

The substitute motion to adopt the allocations with regards to the recipients identified in the report and to direct all appeals to the Economic and Community Development Committee failed. Councilmembers Brown, Ortiz, Everhart, Manspeaker, Schwartz and Harmon voted “no.” (3-6-0)

The motion to approve the allocations as recommended by the Economic and Community Development Committee failed. Councilmembers Ortiz, Everhart, De La Isla, Manspeaker and Schwartz voted “no.” (4-5-0)

Councilmember De La Isla moved to reconsider the motion to approve the allocations as recommended by the Economic and Community Development Committee. The motion seconded by Councilmember Brown carried. Councilmembers Everhart and Manspeaker voted “no.” (7-2-0)

The motion to approve the allocations as recommended by the Economic and Community Development Committee failed. Councilmembers Brown, Ortiz, Everhart, Manspeaker and Schwartz voted “no.” (4-5-0)

APPROVAL of the 2015 Transient Guest Tax allocations recommendations in the amount of \$2,463,358 was presented.

Councilmember Schwartz gave a brief summary of the Transient Guest Tax Committee report and stated the committee recommended approval of the 2015 Transient Guest Tax Fund budget as follows for a total of \$2,463,358 (including a contingency amount of \$93,075):

- Visit Topeka, Inc. - \$1,312,054
- Visit Topeka Bid Fund - \$175,000
- Sunflower Soccer Special Assessments - \$333,791
- Railroad Heritage (Great Overland Station) - \$94,000
- Riverfront Park - \$106,000
- Historic Preservation Fund - \$149,438
- General Fund (Zoo) - \$200,000

Councilmember Schwartz moved to approve the 2015 Transient Guest Tax allocations recommendations in the amount of \$2,463,358. The motion was seconded by Councilmember Harmon.

Councilmember Ortiz asked how much funding is allocated to Sunflower Soccer Association.

Mayor Wolgast stated the Transient Guest Tax was increased by 1% to be allocated to Sunflower Soccer Association.

Councilmember Ortiz asked if the amount of \$333,791 reflects the 1% increase in Transient Guest Tax funds.

Councilmember Hiller spoke in support of the contingency amount of \$93,075.

Mayor Wolgast asked when the contingency amount would be spent and if agencies would apply at the end of each year.

Doug Gerber stated the intent of the contingency fund is to fund grantees on an actual basis and if at the end of the year the amount comes in higher than anticipated it would be divided proportionally to grantees.

Joseph Ledbetter asked if the historic preservation fund is currently being used and who would it apply to. He also questioned the allocation of \$106,000 to the Riverfront Park; who owns and maintains the property; and would the funds continue to be allocated towards the park.

Mayor Wolgast stated the City enacted a certain amount of funding for the Great Overland Station, Railroad Heritage and the Riverfront Park. He reported the City has transferred some of the park property to Shawnee County with the consolidation of the Parks and Recreation Departments.

The motion to approve the 2015 Transient Guest Tax allocations recommendations in the amount of \$2,463,358 carried unanimously. (9-0-0)

APPROVAL of an amendment to the employment agreement for City of Topeka Police Chief Ronald Miller was presented. (*Contract No.43711*)

Chad Sublet, City Attorney, reported the amendment would establish a service separation date no later than August 29, 2014, and authorize reimbursement of COBRA premiums until Chief Miller becomes eligible for health insurance under another plan or until December 31, 2014, whichever event is earlier.

Councilmember Harmon moved to approve the amendment to the employment agreement. The motion seconded by Councilmember Schmidt carried unanimously. (9-0-0)

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

<u>Business Name</u>	<u>Address</u>
Short Stop III	2044 NW Tyler Street
Tilton's Oakland Market	1905 NE Seward Avenue
Woody's Express	101 NE U.S. Highway 24

Councilmember Ortiz moved to approve the retail cereal malt beverage license applications as presented. The motion seconded by Councilmember Schwartz carried unanimously. Mayor Wolgast voted "yes." (10-0-0)

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

The Assistant City Clerk provided a brief summary of the June 17, 2014, Council agenda.

Jim Colson, City Manager, thanked those who participated in the public meeting held on June 9, 2014, to establish community priorities for the new Police Chief position.

Councilmember Schmidt commented on the 2014 Germanfest event and the First Friday Art Walk and noted both were wonderful events. He recognized the Topeka Rescue Mission and the \$12 million project they would be undertaking soon. He stated the Mission is a great example of an organization that does wonderful, selfless work in the community.

Councilmember Hiller congratulated the Bartlett & West Engineering Firm for receiving the Jurors' Favorite Award by Harvesters for the 2014 Canstruction Competition.

Councilmember Brown thanked the citizens who attended the public meeting held on June 9, 2014, to establish community priorities for the new Police Chief position.

Councilmember Ortiz encouraged the community to attend the Fiesta Mexicana Royalty Food Sales held at Our Lady of Guadalupe Church located at 201 NE Chandler. She announced Movies in the Park would be showing the movie "Monsters Inc." at Garfield Community Center on June 14, 2014, at 8:30 p.m.

Councilmember Everhart announced a Budget Committee meeting would be held at the Law Enforcement Center on June 14, 2014, at 9:00 a.m. and encouraged the public to attend. She noted the meeting would be televised.

Councilmember Schwartz distributed the general fund breakdown sheet which was handed out to the public at the Budget Committee meeting on May 28, 2014, and stated it is clear and informative.

Mayor Wolgast acknowledged the Topeka Rescue Mission's announcement of a \$12 million project to expand services and commented on the large donations they recently received.

Stephen Germes and Joseph Ledbetter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:46 p.m.

Brenda Younger
City Clerk