

Council Meeting – September 16, 2014

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 16, 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, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Ortiz -1.

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

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

A PRESENTATION on the South Kansas Avenue Reconstruction Project was provided by Doug Whitacre, Public Works Director. He provided a brief update on what has been completed and the project timeline moving forward. He reported the following:

- The east portion of the S. Kansas Avenue project consisted of underground utility placement including waterlines along the 700, 800 and 900 blocks of S. Kansas Avenue.
- Construction crews have begun to install water meters in businesses located along the east side of S. Kansas Avenue.
- The storm sewer system is being completed in the 800 block of S. Kansas Avenue and will tie into the SE 9th Street intersection.
- Gas line services are complete and crews are beginning to install gas meters in businesses located along the east side of S. Kansas Avenue.
- Parking curbs, gutters and sidewalks are completed in the 900 block of S. Kansas Avenue.
- 80% of the infrastructure will be completed by November 2014.
- Crews will continue north with the reconstruction along S. Kansas Avenue.
- The west side of S. Kansas Avenue will begin in 2015 with the exception of the waterline being completed this year.
- The City will continue to coordinate with all necessary utility companies throughout the project.
- The City will continue to coordinate with the Downtown Foundation in regards to the handling of funding for the pocket parks, fountains, electrical requirements and foundations.

- The City will continue working with area businesses to include distribution of free two-hour parking vouchers for customers, as well as, all meters will be bagged along the east side of the 100 block S. Kansas Avenue.
- Communication has been a key item for the project and the City has been consistently interacting with area businesses and utility companies including announcements and notices on www.twitter.com/kansasavenue and www.topeka.org/kansasavenue.
- The east side of S. Kansas Avenue will be completed by November 2014 excluding pocket parks and landscaping.
- Current debate is underway on if they should repave the east half of S. Kansas Avenue or wait until the end of the project to repave the entire street in order to avoid the risk of construction activities on top of the new street.

Mayor Wolgast thanked staff for the update and expressed his appreciation for the project remaining on schedule.

Councilmember Hiller thanked staff for their work and stated she has spent a great deal of time with businesses throughout the construction process and believes it is working well even though it has not been an easy project. She noted the positive attitudes displayed by merchants have helped tremendously.

Councilmember De La Isla thanked the Public Works staff for their work and believes it is a true testament of good communication and planning. She stated she has noticed the downtown community coming together and thanked the private businesses for their generosity in addressing and helping overcome the challenges of a successful downtown area.

THE CONSENT AGENDA was presented as follows:

A BOARD APPOINTMENT recommending the appointment of Debie Besenyi to the Citizen Advisory Board to fill an unexpired three-year term ending June 30, 2017 was presented.

A BOARD APPOINTMENT recommending the re-appointment of Ann Adams to the Downtown Business Improvement District Advisory Board for a term ending September 30, 2016 was presented.

A BOARD APPOINTMENT recommending the re-appointment of Mark Burenheide to the Downtown Business Improvement District Advisory Board for a term ending September 30, 2016 was presented.

A BOARD APPOINTMENT recommending the re-appointment of Debbie Briman Latta to the Downtown Business Improvement District Advisory Board for a term ending September 30, 2016 was presented.

A BOARD APPOINTMENT recommending the re-appointment of Kim Schultz to the Downtown Business Improvement District Advisory Board for a term ending September 30, 2016 was presented.

A BOARD APPOINTMENT recommending the re-appointment of Marilyn Lind to the City of Topeka ADA Advisory Council for a term ending September 30, 2016 was presented.

RESOLUTION NO. 8648 introduced by Councilmember Sylvia Ortiz, granting Donnie Sexton an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

MINUTES of the regular meeting of August 19, 2014, was presented.

Councilmember Harmon moved to approve the consent agenda. The motion seconded by Councilmember De La Isla carried unanimously. (8-0-0)

RESOLUTION NO. 8649 introduced by Councilmember Karen Hiller, approving a special event known as the 2014 Downtown Adventure Race was presented.

Councilmember Hiller provided details of the event and noted the event would benefit Let's Help, Inc., and Downtown Topeka Inc.

Councilmember Hiller moved to approve the resolution. The motion seconded by Councilmember Schwartz carried unanimously. Mayor Wolgast voted "yes." (9-0-0)

ORDINANCE NO. 19919 introduced by City Manager Jim Colson, imposing a real estate lien, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for utility services where such payments to the City have not been made due to neglect, failure or refusal to pay was presented.

Doug Whitacre, Public Works Director, stated approval would authorize the imposition of charges on tax rolls for delinquent utility accounts on properties located inside and outside city limits in the amount of \$76,354.67. He stated recovery for payment of services rendered in this manner has allowed the City to collect 98% of the delinquent funds.

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

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

ORDINANCE NO. 19920 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of August 2, 2014, through August 29, 2014, and enumerating said expenditures therein was presented.

Jim Colson, City Manager reported approval would authorize expenditures in the amount of \$14,698,237.58.

Councilmember Schmidt moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Brown, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -8. Absent: Ortiz -1.

NO Retail Cereal Malt Beverage License or Scrap Metal Dealers License applications were presented.

DISCUSSION of Trafficway Improvement Project No. T-701005.01 providing for the widening of SW 10th Avenue from SW Gage Boulevard to SW Fairlawn Road was facilitated by Doug Whitacre, Public Works Director. He reported the project was initially presented and disapproved by the Governing Body on January 28, 2014; and now it is being brought back before the Council for consideration. He stated a traffic count was conducted in August 2014 which resulted in traffic volumes on SW 10th Avenue in the range of 12,465 vehicles per day; and 10,284 vehicles per day in the area west of Gage Boulevard in the existing five-lane section to west of Rock Garden Drive in the existing two-lane section. He noted traffic volumes along SW 10th Avenue will continue to increase as attractions and development in the area continue to grow. He gave a brief description of the project which would widen SW 10th Avenue to five lanes through the commercial area from SW Gage Boulevard to SW Civitan Lane (approximately 1,500 feet) and then transition to three lanes to Fairlawn Road. He reported a three-lane roadway is generally capable of carrying 12,000 to 14,000 vehicles per day and has a life expectancy of 25 years.

Mayor Wolgast stated he believes the project provides an excellent compromise and a solid plan for the future. He questioned if there would be sufficient room for a sidewalk along the north side of the roadway due to the location of the cemetery.

Doug Whitacre stated reducing the project to three lanes provides plenty of room to install sidewalks without disturbing cemetery property.

Mary Lou Weidenbach spoke in support of the three-lane plan with a center turn lane. She stated she believes a three-lane road would better fit the character of the neighborhood.

David Davis spoke in support of the three-lane plan. He expressed concern with traffic safety; reducing the size of front yards along the roadway; and improved enforcement of area speed limits.

Carol Cramer spoke in support of the three-lane plan. She stated it would maintain the safety and character of the neighborhood; keep the area attractive and green; and it would be the most cost-effective option.

Councilmember Hiller stated she is pleased to hear positive comments from area residents and agrees the three-lane plan would be more manageable and efficient.

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

Jim Colson, City Manager, expressed his appreciation to the Topeka Police Department, the Shawnee County Sheriff's Department and all other law enforcement agencies that were involved in honoring fallen Topeka Police Corporal Jason Harwood. He commended the Topeka Police Department for staying focused through the tragedy and arresting those responsible for the crime. He also commended other City departments for stepping up and helping with the events surrounding Topeka Police Corporal Harwood's funeral. He stated he is very humbled by the experience and is proud to be serving as Topeka's City Manager.

Mayor Wolgast commended the community for the tremendous outpouring of love and concern during this tragic time and expressed his sympathies to the Harwood family and friends.

Councilmember TJ Brown thanked all the citizens and outside law enforcement agencies for their involvement and assistance in honoring fallen Topeka Police Corporal Harwood.

Councilmember Everhart expressed gratitude to the community for the outpouring of support during this time and appreciation to the law enforcement community for their work. She

requested the community remember and keep the Harwood family in their prayers. She announced the Highland Park High School Theater Group would hold a "Welcome to the Neighborhood" event on October 6, 2014, at 7:00 p.m. at Highland Park High School. She invited the community to attend and noted admission is free of charge.

Councilmember De La Isla stated it is a challenging time for the community and she is amazed at how people come together to show overwhelming support to respect and honor the Topeka Police Department, the fallen officer and his family. She noted it is important for the community to take a look at the condition of the city and what is happening throughout many organizations because this incident is a symptom of bigger problems such as hunger, poverty, violence and gang activity in our neighborhoods. She asked the Governing Body and each citizen to reflect on a day-to-day basis and express kindness to everyone.

Councilmember Manspeaker expressed his condolences to the Harwood family. He encouraged the Governing Body and community to find a new direction and accept the challenges to become a better community by creating more jobs, educating citizens on gang intervention, hunger and poverty. He stated there is a real need in the community to solve many of these problems and make a real impact on people's lives.

Councilmember Schwartz announced Freddy's Custard and Steakburgers Restaurant and Papa Keno's Pizza on SW Wanamaker Road are dedicating their sales on certain dates over the next couple of weeks to the Harwood family. She reported the Heartland Healthy Neighborhood meetings are showing great turnouts by the community. She encouraged people to attend a community information session on the Land Use and Growth Management Plan, an element of the City's Comprehensive Plan on September 18, 2014, at 2:00 p.m., sponsored by the League of Women Voters at the Topeka and Shawnee County Public Library located at 1515 SW 10th

Avenue. She stated the Planning staff would share growth trends of the city and discuss strategies that would help Topeka grow in an economically sustainable manner for the future. She noted people interested in the topic can obtain information on the City's website. She commended the City's Human Resources Department for encouraging wellness with employees which in turn may help to reduce health insurance premiums in the future.

Councilmember Schmidt extended his sympathies to the Harwood family and the Topeka Police Department. He commended Interim Topeka Police Chief Tony Kirk for bringing the police department together during the tragedy and receiving support from the community. He thanked all City departments for their help during the ceremonies and law enforcement agencies from other areas for patrolling the city so local law enforcement could pay their respects to the family.

Councilmember Harmon thanked Mayor Wolgast for his comments at the vigil held on September 13, 2014, for Topeka Police Corporal Harwood. He asked the community to continue to remember the Harwood family in their thoughts and prayers. He commended the community for being supportive during the tragedy and all those involved in the funeral service. He also asked the community to keep Councilmember Ortiz in their thoughts and prayers with the passing of her father.

Councilmember Hiller commended citizens and law enforcement agencies all over the state for assisting during the tragedy and asked the community to keep the Harwood family in their thoughts and prayers. She stated there are also good things happening in Topeka such as the S. Kansas Avenue project; completion of a new section of the Landon Trail; dedication of the historic circle in the Holliday Park neighborhood; and the creation of a Makers Space for small businesses. She expressed her condolences to the Eulert and Ortiz families.

Councilmember Harmon moved to recess into executive session to discuss union negotiations for a time period not to exceed ten minutes to include the Governing Body, City Manager, City Attorney, Human Resources Director and Assistant City Attorney. The motion seconded by Councilmember Schmidt carried unanimously. (8-0-0)

At 7:14 p.m., Mayor Wolgast announced the executive session was adjourned and no action was taken.

Councilmember Harmon moved to recess into executive session to discuss litigation for a time period not to exceed ten minutes and to include the Governing Body, City Manager, City Attorney and Chief of Litigation. The motion seconded by Councilmember De La Isla carried unanimously. (8-0-0)

At 7:24 p.m., Mayor Wolgast announced the executive session was adjourned and no action was taken.

Councilmember Harmon moved to recess into executive session to continue discussion on litigation for a time period not to exceed 15 minutes and to include the Governing Body, City Manager, City Attorney and Chief of Litigation. The motion seconded by Councilmember De La Isla carried unanimously. (8-0-0)

At 7:40 p.m., Mayor Wolgast announced the executive session was adjourned and no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:40 p.m.

Brenda Younger
City Clerk