

Council Minutes – December 16, 2014

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 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, 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 Gary Smith, First Southern Baptist Church gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the reappointment of Franklin Young to the Topeka Housing Authority Board of Commissioners for a term ending December 31, 2018, was presented.

BOARD APPOINTMENT recommending the appointment of Neil Dobler to the Metropolitan Topeka Airport Authority Board for an unexpired term ending November 30, 2015, was presented.

BOARD APPOINTMENT recommending the appointment of Bryan Falk to the Topeka Landmarks Commission to fill an unexpired term that ends on February 28, 2015, was presented.

BOARD APPOINTMENT recommending the reappointment of Murl Riedel to the Topeka Landmarks Commission for a term expiring December 31, 2017, was presented.

BOARD APPOINTMENT recommending the appointment of Jeff Carson to the Topeka Landmarks Commission for a term expiring December 31, 2017, was presented.

BOARD APPOINTMENT recommending the appointment of Rosa Cavazos to the Topeka Planning Commission for a term expiring December 31, 2017, was presented.

MINUTES of the regular meeting of December 9, 2014, was presented.

Dance Hall License applications were presented for the following:

<u>Business Name</u>	<u>Address</u>
Flamingo Bar & Grill	2335 NW Clay Street
Sasnak Bar	1834 N Topeka Boulevard
Serendipity	824 N Kansas Avenue
Skivies Bar & Grill	921 S Kansas Avenue

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

RESOLUTION NO. 8661 introduced by City Manager Jim Colson, approving the 2015 Neighborhood Empowerment Grants as recommended by the Neighborhood Empowerment Grant Committee was presented.

Brad Reiff, Housing & Neighborhood Development Department Interim Director, stated approval would allocate \$145,195 towards six projects in the Central Park, Chesney Park, Hi-Crest, Tennessee Town, Valley Park and Ward Meade neighborhoods. He outlined the six projects as follows:

- 1) Central Park – Sidewalk and Bleacher Pad Improvements, Safety Mat and Installation \$8,000
- 2) Chesney Park – Pedestrian Crossing at SW 21st Street and SW Fillmore \$20,000; Sidewalks along SW Washburn and SW Lincoln at SW 19th Street \$16,000
- 3) Hi-Crest – Betty Dunn Park Improvements at SE 33rd and Adams Streets \$22,000
- 4) Tennessee Town – King’s Court Playground Matting Replacement and Installation at northwest corner of SW Lincoln and SW Munson Streets \$11,428
- 5) Valley Park – Residential Entrance Signage for neighborhood in the 1500 block of SW Shunga and 1541 SW Shunga Drive \$868
- 6) Ward Meade – Brick Sidewalk Replacement/Repair on west side of SW Harrison Street between SW 2nd and SW 3rd Streets \$17,500; and Mid-block solar motion street lighting from SW 4th to SW 6th Avenue and Topeka Boulevard from Topeka Boulevard to SW Lane Street \$36,000

Councilmember Ortiz asked about the specifics of the pedestrian crossing lights in the Chesney Park neighborhood.

Brad Reiff stated the exact details will be worked out once Council approves the recommendations and the Engineering Department determines what is best for the area.

Joseph Ledbetter spoke in support of the resolution and stated the improvements made in the Hi-Crest neighborhood are much needed.

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

ORDINANCE NO. 19936 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of November 1, 2014, through November 28, 2014, and enumerating said expenditures therein, was presented.

Jim Colson, City Manager, reported approval would authorize City expenditures in the amount of \$16,602,289.89.

Councilmember Brown moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

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

Cereal Malt Beverage License applications were presented for the following:

<u>Business Name</u>	<u>Address</u>
Hooters	6100 SW 10 th Street
Lupita's	732 S Kansas Avenue
Sasnak Bar	1834 N Topeka Boulevard
Wild B's	1630 SW Arvonnia Place

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

DISCUSSION regarding the sale of bonds for permanent financing to acquire Heartland Park and the expansion of the STAR Bond District was facilitated by Jim Colson, City Manager. He stated the purpose of the discussion was to update the Council on the status of the bonds and specifically speak to the appeal process and the impact of those actions. He stated he would provide an update on the Request For Proposal (RFP) process and make sure the City is managing the expectations of the Council in terms of what the City is trying to accomplish and how the City will be protected through the RFP process.

Chad Sublet, City Attorney, reported Mr. Chris Imming filed a stay of proceedings with the Kansas Appellate Court in which the City responded to on December 15, 2014. He stated the City will await a ruling by the Court of Appeals; however, until that time, the pending stay of proceedings in the Appellate Court will impact the marketability of the bonds so the sale of bonds will be delayed at this time. He reported that he anticipates presenting the bond ordinance to the Council for consideration by the middle of January 2015 in order to meet the deadline of February 1, 2015, as outlined in the terms of the Memorandum of Understanding.

Councilmember Schwartz stated she understands this has been a very delicate issue and many constituents have voiced their concerns. She questioned if Jayhawk Racing financial records were included in the Request for Proposal (RFP) document and if not, how would investors understand the operations of Heartland Park. She also questioned how the National Hot Rod Association's (NHRA) agreement with the City would function in terms of other events held throughout the year; and if any of the bid responses have the experience in event planning to generate more revenue by hosting events throughout the year.

Chad Sublet reported the Jayhawk Racing's financial records were not provided to the City; therefore, the records are not included in the RFP document; each person that has submitted a bid

has conducted their own financial analysis of Heartland Park operations; the NHRA agreement is considered a contingency contract and is contingent upon the City acquiring the property, following through with the plan, and the winning bid meeting the terms of the agreement which is a requirement of the RFP.

Jim Colson, City Manager, reported the City's expectations from the beginning and throughout the RFP process is that the City will not pay a management fee for someone to operate the racetrack. He stated they have divided Heartland Park into four categories in regards to the RFP process including road course events, dirt track events, drag strip events and the remaining land available for development. He stated the City wants to evaluate someone with a comprehensive approach to Heartland Park with a focus on working with that person to take over the track and understand that it is a 12 month operation.

Councilmember Hiller questioned the legal requirement to file an appeal bond to recover any costs to the City because of the stay of proceedings filed in the Kansas Appellate Court. She also questioned the discrepancy of amounts the City stands to lose and noted the amount has changed substantially since the beginning of the process. She asked for clarification on the matter.

Chad Sublet stated an appeal bond or supersedeas bond is a requirement under the statute to recover any costs to the City. He reported the City stands to lose approximately \$46 million if prevented from moving forward in the process, an amount determined by the value of the project to the City in the long-term.

Jim Colson reported the RFP process closed on December 12, 2014. He stated staff is in the process of reviewing the responses and they will discuss the proposals with the respondents to clarify their intent and help them understand the City's position that there will be no financial

risks for the City in this process. He explained no one has asked for a management fee and City staff has been very clear about the City's stance on the issue. He stated he would present the bid recommendation to the Council for consideration on January 6, 2015.

Leo Hafner commented on the NHRA agreement with the City and expressed concern with the language included in the contract. He questioned who is responsible for Heartland Park's revenue performance and who may have potential liability of running the track.

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

Jim Colson, City Manager, announced Sasha Stiles, the newly appointed Neighborhood Relations Director would begin work on December 22, 2014. He reported Ms. Stiles would work to implement redevelopment, revitalization and property maintenance projects within neighborhoods, as well as, improve consistency of process and enhance communication between neighborhoods and the City. He commented on the Red Stocking Breakfast held on December 13, 2014, and stated it was a wonderful event and a great opportunity to meet with people.

Mayor Wolgast clarified that no public funds were used to print or mail the Mayor's Christmas cards. He commented on the State of Kansas Docking Building and employees that are moving to various locations in the downtown area while the building is under construction. He reported 780 employees would be relocated to locations on S. Kansas Avenue and 213 employees would relocate to the vacant building (Dillons) located at SW 29th Street and SW Topeka Boulevard. He commended the City and Downtown Topeka Inc., for working with the Kansas Department of Administration, Department of Motor Vehicles and Department of Children and Families in relocating employees. He commented on the events of 2014 and how the year has held its challenges and celebrations for the City and its citizens. He stated there

were many public forums held as an opportunity for the public to voice their opinions and work together with local government and he looks forward to 2015.

Councilmember De La Isla encouraged people to offer kindness and give their time this holiday season and noted there are many great community organizations in need of volunteers. She thanked Councilmembers for their hard work and stated she looks forward to 2015.

Councilmember Schwartz stated she hopes to see more emphasis on promoting the City of Topeka as the Capitol of Kansas in 2015. She commended Police Chief Brown for posting helpful information on the nextdoor.com website for neighborhoods. She also thanked Police Chief Brown for emailing the names of Community Policing officers to all Councilmembers. She stated she would be attending the Heartland Healthy Neighborhoods meeting on December 17, 2014.

Councilmember Hiller thanked Mayor Wolgast for reporting on the status of the employees being relocated from the State Docking Office Building. She commended Police Chief Brown and the City Manager for resolving issues and continued support of the SRO Program at Topeka Public Schools. She suggested reviewing effective and efficient advances in school buildings to determine the best plan for everyone involved, especially the students. She commented on the police involved shooting incident on December 13, 2014, and recent fires to local businesses in Council District No. 1. She offered her condolences to those affected by the incidents and commended the Topeka Police and Fire Departments for their efforts in continually keeping the community safe.

Councilmember Brown encouraged everyone to support the United Way Christmas Bureau by adopting a family in need and reported there are still approximately 400 families that need to

be adopted this holiday season. He thanked the Council staff for their support during 2014 and looks forward to 2015.

Joseph Ledbetter appeared to speak under public comment.

Councilmember Ortiz moved to recess into executive session for a time period not to exceed 20 minutes to discuss personnel issues and to include the Governing Body, City Manager, City Attorney and Police Chief Brown. The motion seconded by Councilmember Schwartz carried unanimously. (9-0-0)

At 7:20 p.m., the Council reconvened into open session and Mayor Wolgast announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:20 p.m.

Brenda Younger
City Clerk