

Council Minutes – March 15, 2016

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 15, 2016. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Ortiz, Clear, Schumm, De La Isla, Jensen, Schwartz, Coen and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Tim Wilson, Lighthouse Bible Church Pastor, gave the invocation.

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

A PRESENTATION on the City of Topeka 4th Quarter Financial Report was provided by Brandon Kauffman, Finance Department Director.

Brandon Kauffman announced the City's new Open Checkbook portal at www.checkbook.topeka.org featuring the City's 2015 expenditures while allowing the user to explore departmental expenditures by amount as well as vendor and top expense categories. He reported a demonstration would be held on March 16, 2016, at 10:00 a.m. in the City Hall Information Technology Training Room located at 215 SE 7th Street.

Governing Body members commended staff for implementing the new interactive checkbook and being a leader in municipalities providing a transparent government to citizens. They asked the following questions:

- If the software was built by the City's Information Technology Department.
- If pay information for City employees was available on the portal.
- If the program links to information in the Lawson software.
- What was cost of program and was it purchased or leased.

In response, Brandon Kauffman reported the following:

- The software was created by Socrata Inc., an outside vendor.
- Travel and training as well as aggregated pay information is available on the open portal.
- Select information was extracted from Lawson and entered in the Socrata system.

- He would report back to the Governing Body on the actual cost of the system and noted the City has an ongoing partnership with Socrata to continue to publish the information.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of March 8, 2016, was presented.

APPROVAL of Open After Midnight License applications were presented for the following:

<u>Business Name</u>	<u>Address</u>
Applebee's	5928 SW 17 th Street
Buffalo Wild Wings	1227 SW Wanamaker Road
Hooters	6100 SW 10 th Avenue
Hy-Vee #1658	2951 SW Wanamaker Road
Hy-Vee Gas	6011 SW 29 th Street
IHOP	1731 SW Wanamaker Road
Kwik Shop #705	1114 NW Topeka Boulevard
Kwik Shop #713	5700 SW 21 st Street
Kwik Shop #720	102 SE 37 th Street
Kwik Shop #740	2277 SW 10 th Street
Kwik Shop #757	2619 SW 21 st Street
Kwik Shop #780	2520 SW 6 th Avenue
Kwik Shop #781	4500 SW Topeka Boulevard
Kwik Shop #788	1414 SW 17 th Street
Kwik Shop #789	746 NE Wabash Avenue
Kwik Shop #791	1700 SW Topeka Boulevard
Old Chicago	1231 SW Wanamaker Road
Taco Bell	101 SE 29 th Street
Taco Bell	1560 SW Wanamaker Road
Taco Bell	2013 N Topeka Boulevard
Walgreens	1001 SW Topeka Boulevard

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

RESOLUTION NO. 8750 introduced by City Manager Jim Colson, approving the Topeka Pedestrian Master Plan was presented.

Bill Fiander, Planning Department Director reported approval would support implementation of the Topeka Pedestrian Master Plan which recommends continuing allocations for Infill Sidewalks in the CIP at \$600,000, Complete Streets in the CIP at \$100,000 and devoting

\$100,000 out of \$300,000 for ADA ramps allocated in the CIP. He stated the plan has a completion goal of 10 years and recommends a series of actions and goals for Topeka to become more pedestrian-friendly.

Larry Hinton spoke in support of the Topeka Pedestrian Master Plan.

Susan Duffy, TMTA General Manager, spoke in support of the Topeka Pedestrian Master Plan.

Councilmember Schumm moved to approve the resolution. The motion seconded by Councilmember Coen carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

DISCUSSION providing an update on redevelopment and future plans for newly acquired buildings in downtown was presented.

Vince Frye, Downtown Topeka Inc., President and CEO, and Jim Klausman, Midwest Health CEO, provided an overview and future plan for downtown Topeka.

Mayor Wolgast thanked Mr. Frye and Mr. Klausman for their presentation, vision and commitment to downtown. He stated he looks forward to the next steps in creating a more vibrant downtown area.

Councilmember Clear asked if the statutes along S. Kansas Avenue would include plaques.

Vince Frye reported each statute would include a historical plaque.

Councilmember Schwartz expressed support for the downtown area and commended everyone who has supported and promoted the downtown area.

Councilmember Ortiz spoke in support of the downtown area. She referenced the restricted traffic at the intersection of SE 6th Street and S. Kansas Avenue and asked if different traffic safety options are being considered.

Councilmember Hiller thanked Vince Frye and Jim Klausman for the presentation and investment in downtown Topeka.

Councilmember Jensen spoke in support of a downtown area that would promote an exciting walking entertainment district as well as build the future for the next generation.

Councilmember De La Isla expressed support for the downtown area and stated she looks forward to the positive improvements in the community. She thanked staff for communicating with downtown partners to make smooth transitions during improvements.

DISCUSSION regarding updating the Standard Traffic Ordinances (STO) and the Uniform Public Offense Code (UPOC) from the current 2013 version to the 2015 version prepared by the League of Kansas Municipalities was presented.

Chuck Kitt, Chief of Prosecution, outlined the changes from the 2013 STO and UPOC versions to the 2015 versions bringing City ordinances in compliance with State law. He reported the ordinances would be presented for consideration at the April 5, 2016, Council meeting.

Councilmember Jensen expressed concern with the complexity of the STO and UPOC and asked if the codes are easily accessible online.

Chuck Kitt reported the STO and UPOC are currently available on the City's website.

DISCUSSION of amendments to the City ordinance concerning expungement of certain convictions in municipal court was presented.

Chuck Kitt, Chief of Prosecution, gave a brief history of expungements and provisions in the City of Topeka. He reported the amendments would make the City consistent with State law by reducing the waiting time for expungements for convictions of ordinance violations regarding knives as well as convictions for first time DUI or test refusals.

Councilmember Coen asked if an individual convicted on a first time DUI five years ago would be eligible for an expungement if the ordinance was adopted.

Chuck Kitt stated individuals would be eligible for an expungement if the ordinance was adopted.

DISCUSSION regarding the Topeka Levee Project to provide an overview and understanding of the project prior to the March 31, 2016, groundbreaking ceremony was presented.

Doug Gerber, Deputy City Manager, reported the Topeka Levee system consists of five levee units (North Topeka Levee Unit, Oakland Levee Unit, South Topeka Levee Unit, Auburndale Levee Unit and Waterworks Levee Unit) and the system includes more than 40 miles of levee, 3,600 feet of floodwall, 10 pump stations and numerous flood control structures operated and maintained by the City of Topeka. He stated the project partnership agreement between the City of Topeka and the Army Corps of Engineers authorizes continuation of the project at a cost of approximately \$29,500,000 with the City providing 35% of the total project. He noted the initial design was approved in 2013 for \$650,000 and the City has been reserving \$800,000 annually for the purpose of providing the necessary matching funds for the project.

Governing Body members asked the following questions:

- Clarify the specifics of the project and the area of construction during Phase I of the project.
- How was the overall cost benefit ratio of 13:1 determined.
- Would the improvements change the floodplain areas determined by the Federal Emergency Management Agency (FEMA).
- Define stoplog and sandbag closure structures.
- What is the timeline on each of the levee unit projects.

In response, Kelly Ryan, City Engineer reported the following:

- The height of the levee would not change; however, the project would address the strength and stability of the levee, berms and relief wells.

- Phase I of the project would occur at the Oakland Levee Unit near the Oakland Wastewater Treatment Plant and would include stabilizing the berms and improve the existing pump station.
- The cost benefit ratio was calculated based on the amount of property protected by the levee.
- The project would run in conjunction with the levee certification process to meet FEMA requirements.
- Stoplogs are located in areas of a levee or floodwall where railway systems are located and are deployed when the river rises. Sandbag closures are utilized in the same manner.
- The Oakland Levee Unit construction contract has been awarded, designs for the North Topeka Levee Unit are underway and construction should be awarded by late September 2016.
- The South Topeka Unit and Waterworks Levee Unit preliminary designs are underway at this time with hopes to start construction in the summer of 2017.

DISCUSSION of the proposed 2017-2021 Capital Improvement Plan and 2017-2019 Capital Improvement Budget was presented.

Jim Colson, City Manager, reported the objective of the discussion is to provide an overview of completed 2015 projects and an update on 2016 projects.

Doug Gerber, Deputy City Manager, reported discussion would continue at the April 5, 2016, Council meeting and the resolution to approve the 2017-2021 CIP and 2017-2019 CIB is tentatively set for April 12, 2016. He announced the CIP Bus Tour is scheduled for April 2, 2016, from 8:00 a.m. to 12:00 noon. He stated City staff would provide quarterly project updates along with financial quarterly reports in the future. He provided a report on questions submitted by Councilmember Hiller, Alley Rehabilitation List, Complete and In-Process Street Projects, 2015-2016 Utility Projects, and a comparison of the 2016-2020 CIP to the proposed 2017-2021 CIP.

Councilmember Clear asked for clarification on the following:

- (1) The \$1.5 million Curb & Gutter Project in Citywide Half Cent Sales Tax now includes extra budget authority to be used for snow removal when needed. If there is a light snow year how will the estimated \$1 million in excess funding be used.
- (2) Provide an update on Fire Stations as they relate to the CIP from the handout titled "Supplement 1: Councilmember Questions received March 2016."

Doug Gerber stated generally if there are excess snow removal funds it is put into the street maintenance fund as allowed under the ballot question.

Jim Colson stated Fire Station No. 13 was an inclusion in the previous CIP but as the City proceeded with construction plans there were discussions with the Governing Body not to add positions to the budget for staffing; therefore, the GIS Study was done which included a long term strategic plan and is currently being reviewed.

Councilmember Ortiz suggested a discussion occur on Fire Station Nos. 13 and 14 because it is time to make a determination on the projects.

Jim Colson stated he concurs with Councilmember Ortiz and noted staff is reviewing the GIS Study to provide the Governing Body with information to help make a determination.

Jason Peek, Public Works Director, outlined the 2009-2015 Citywide Half Cent Sales Tax Street and Other Projects that have been completed or are in-progress. He listed 2014-2019 Alley Rehab project locations, 2016 Street Project narratives, Bridge Repairs, Citywide Half Cent Sales Tax Neighborhood Mill and Overlay Projects, Street Widening Projects and City-administered Countywide Half Cent Sales Tax Projects.

Councilmember Schumm expressed concern with alley improvements and trash truck routes and asked what precautions are in place to protect the alleys from falling back into disrepair.

Jim Colson stated City staff is working to address the issues and looks to present the Governing Body with an economic analysis on the issue.

Councilmember Hiller stated she appreciates the inclusion of an Alley Rehab Project list and asked if funding amounts could be listed for each project. She also asked if the completion of the 2016 alley improvements list would get the City back on schedule.

Jason Peek stated some alley improvements have been awarded for design and/or construction; however, they are waiting on bid responses for other projects. He reported they intend to fully fund the list of projects.

Doug Gerber stated the Alley Rehab Project list plans for rebuilding alleys and does not include general alley maintenance.

Councilmember Coen thanked staff for the information and expressed his appreciation for providing information on completed projects and approximate start dates of upcoming projects.

Doug Gerber outlined 2015-2016 Utility Division Projects by year, location/description, construction start date, substantial completion date and current budget.

Councilmember Hiller asked staff to be mindful of making sure utility projects and tied with street projects.

Doug Gerber stated staff tried to maintain consistency in each list and coordinate utility projects with street projects; however, the report continues to evolve.

Nickie Lee, Budget and Performance Manager, outlined the comparisons of the 2016-2020 CIP to the proposed 2017-2021 CIP and stated some projects were bumped to the future funding list because of switching priorities from year to year.

Councilmember Clear referenced the purchase of two trucks listed under Public Safety and asked why the amount reflects \$0 in the 2016-2020 CIP and \$1,552,500 in the 2017-2021 CIP. She also referenced the Shunga Flood Mitigation Study listed under Utilities/Stormwater Fund and asked why the amount reflects \$0 in 2016-2020 CIP and \$560,000 in the 2017-2021 CIP.

Nickie Lee reported a truck, apparatus or engine are purchased only once a year and this specific purchase would take place in the fifth year (2021 CIP) of project purchases; therefore, it would not be included in the previous 2016-2020 CIP.

Doug Gerber stated the City is working with the Army Corps of Engineers on a multi-part mitigation study and surveying residents along the Shunga Creek as well as holding public meetings. He noted the listed amount of \$560,000 is the City's share of the mitigation study.

Mayor Wolgast complimented City staff on the informational presentation and thanked them for their work.

Councilmember Hiller expressed concern with the following:

- (1) Streets that have not been completed or improved over the years. She referenced page 2, Appendix 1, of Supplemental 1. A handout concerning Citywide Half-Cent Sales Tax Street Projects and Completed Projects reflecting an itemized list of projects and total dollars spent. She noted completed projects between the years of 2009-2015 had a budgeted funding total of approximately \$75.7 million with actual expenditures totaling approximately \$56.8 million generating approximately \$16.3 million in excess funding.
- (2) She distributed a handout outlining the 2010-2019 Citywide Street Maintenance Program. She stated she has noted on the handout all incomplete projects that should have been completed in 2011-2015 as well as future projects. She asked the Governing Body to seriously consider a solid plan on how to address projects now and in the future.
- (3) She asked staff to further define the Local Street Program as outlined on page 106 of the 2017-2021 Proposed Capital Improvement Plan.
- (4) She referenced the 12th Street to Gage Boulevard Project (page 40 of the 2017-2021 proposed CIP) and expressed concern with an increase to the project budget; changing the funding source from Citywide Sales Tax to Countywide Sales Tax; and the use of general obligation bonds.

Jason Peek reported the new Local Street Program will deal with pavement asset management with little or no need to coordinate the replacement of underground utilities and would not require major reconstruction. He noted they worked to create different programs to address overall street improvements.

Nickie Lee reported in reference to the 12th Street to Gage Boulevard Project the funding source has always included Countywide Sales Tax as well as Citywide Sales Tax; however, because the project is listed in the out years (2019-2022) and the Citywide Sales Tax expires in 2019 the funding source also includes general obligation bonds.

Councilmember Hiller expressed concern with similar situations where project budgets may need to be revisited in regards to funding sources as well as the need to adjust new project budgets before setting a project schedule and approving the Countywide Sales Tax interlocal agreement with Shawnee County.

Doug Gerber reported the 12th Street project budget historical data supports the use of both Countywide and Citywide Sales Tax funds; however, staff would further research the issue and report back to the Governing Body.

Mayor Wolgast spoke in support of the list being flexible as priorities and issues change. He noted the 2016 projects planned would expend \$36 million and would make up for past years and provide more improvements.

Councilmember Clear asked how projects are addressed if not completed in the planned year.

Doug Gerber reported some projects are moved forward or bumped by priorities set by the Governing Body and project schedules vary by street.

Councilmember De La Isla stated she understands the importance of accountability to the public; however, she would ask Governing Body members to remain mindful that street improvements are not being delayed voluntarily and staff is doing what is best for the city with the resources available.

Councilmember Schwartz expressed appreciation to Councilmember Hiller for her diligence in ensuring budget accountability to Topeka citizens. She questioned how the \$16.3 million of excess funds would be spent.

Doug Gerber reported any excess funds would remain in the fund balance to be spent this year.

Councilmember Schumm stated he believes flexibility and accountability are needed. He suggested listing “bumped” projects by date along with the reason to allow the Governing Body and public to be informed.

Councilmember Ortiz thanked Councilmember Hiller for her comments and noted the Governing Body is looking forward to the “Year of the Streets.”

Jim Colson stated he appreciates the comments and noted staff works hard to address the challenges regarding infrastructure improvements.

Teresa Miller thanked the City for the information presented and commented on several areas in North Topeka that are in need of reconstruction.

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

Jim Colson, City Manager, announced the Department of Neighborhood Relations Division of Community Engagement was approved for an AmeriCorps, NCCC (National Civilian Community Corps) team of 8-12 volunteers who will serve from April 12, 2016 until July 10, 2016, to work with 21 neighborhood improvement associations in the most critical areas to achieve "healthy" status which would impact 17,500 homes with an estimated 35,000 children who live in Intensive-Care and At-Risk neighborhoods. He noted these goals would assist in reducing fear and crime while developing neighborhood pride throughout the city. He also announced the City of Topeka and Shawnee County are partnering once again with MRC Recycling to offer county residents an opportunity to dispose of their unused household electronic items at the next Topeka/Shawnee County E-Cycle event on April 30, 2016, from 9:00 a.m. to 1:00 p.m. at the intersection of SE 8th Street and SE Madison Avenue; and a CIP Bus

Tour is scheduled for April 2, 2016, beginning at the Holliday Building located at 620 SE Madison from 8:00 a.m. to 12:00 p.m.

James Brown, Police Chief, referenced the PERF he attended with T.D. Hicks, Antioch Missionary Baptist Church, and the article published nationally with some of his comments. He stated every City department works to build public trust and transparency. He noted the Chiefs Advisory Board is working to develop a Use of Force policy and looks forward to public input on the issue.

Mayor Wolgast commended the Department of Neighborhood Relations on being approved for the AmeriCorps, NCCC (National Civilian Community Corps) team and how the goals would support the community. He congratulated MARS North America on celebrating 75 years and thanked them for being a part of the Topeka community. He noted there would be no City Council meetings March 22, 2016 and March 29, 2016.

Councilmember Clear stated the AARP would offer Smart Driver courses at The Cottages of Topeka located at 620 NW Lyman Road on March 16-17, 2016, from 11:00 a.m. to 3:00 p.m. She encouraged everyone to attend the Great Futures Gala hosted by the Boys and Girls Clubs of Topeka at the Downtown Ramada Inn on March 29, 2016.

Councilmember Ortiz commended MARS North America on celebrating 75 years and giving back to the local community. She encouraged everyone to participate in Topeka Metropolitan Transit Authority Families Ride Free program during Spring Break. She commended the Department of Neighborhood Relations on being approved for the AmeriCorps, NCCC (National Civilian Community Corps) team.

Councilmember Schumm reported the news conference on March 10, 2016, announcing a partnership between Topeka Public Schools, the City of Topeka and local businesses for the

purpose of providing Wi-Fi access to middle and high school students of Topeka Unified School District 501 was exciting and he encouraged local businesses to participate in the program. He noted there are at least nine CIP street projects that cross Council District Nos. 3 and 4 and he looks forward to those areas receiving improvements. He announced an Anti-Crime Summit is being planned for Council District No. 4 in the near future.

Councilmember Jensen commended the St. Patrick's Day Parade Committee for their work on the event held March 12, 2016 which was well attended by the community.

Councilmember Schwartz announced the 9th Annual "Music...Just What the Doctor Ordered" music concert would be held on April 3, 2016, at 3:00 p.m. at the First United Methodist Church located at 600 SW Topeka Boulevard. She encouraged the Governing Body to participate in the Active Shooter Training sponsored by the City. She stated this week's "gem" of Topeka is the Ritchie House located at 618 S. Kansas Avenue.

Councilmember Coen reported the public meeting regarding the widening of SW 21st Street from SW Urish Road to SW Indian Hills Road held on March 10, 2016, was well attended by area residents. He announced another public meeting is scheduled for March 28, 2016, at 4:00 p.m. at Christ the King Catholic Church located at 5973 SW 25th Street regarding the Citywide Half-Cent Sales Tax project repairing SW 25th Street from SW Wanamaker Road to SW Arrowhead.

Councilmember Hiller expressed her appreciation to City staff for their work on the CIP. She commended the Department of Neighborhood Relations for being approved for the AmeriCorps, NCCC (National Civilian Community Corps) team. She encouraged people to attend the Up With People concert on March 19, 2016, at Topeka High School; and Memphis, a Broadway Musical at the Topeka Civic Theater running through March 26, 2016.

Thomas Potter, Cathy Walker, Reverend Raymond Berry and Henry McClure appeared to speak under public comment.

Councilmember Harmon moved to extend the Council meeting past 10:00 p.m. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

Councilmember Harmon moved to recess into executive session for a time period not to exceed 30 minutes to discuss potential litigation and to include the Governing Body, City Manager, Deputy City Manager, City Attorney and Finance Director. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

At 10:22 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Jensen moved to recess into executive session for a time period not to exceed 15 minutes to discuss potential litigation and to include the Governing Body, City Manager, Deputy City Manager, City Attorney and staff. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

At 10:39 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 10:40 p.m.

Brenda Younger
City Clerk