

Council Minutes – April 19, 2016

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 19, 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, Jensen, Schwartz, Coen and Harmon -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember De La Isla -1.

AFTER THE MEETING was called to order, Pastor Clarence Bullock, Sr., New Hope Community Baptist Church gave the invocation.

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

A PRESENTATION of the 2016 Arts Funding was presented by Sarah Fizell, Executive Director of ArtsConnect Board of Directors.

A PRESENTATION for the purpose of providing an update on the Sustainability Advisory Board was presented by Allen Moore, Advisory Board member.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Mike Wilson to the Board of Building and Fire Appeals for a term ending June 1, 2018, was presented.

BOARD APPOINTMENT recommending the re-appointment of Jeff Romine to the Board of Plumbing Examiners for a term ending June 1, 2018, was presented.

BOARD APPOINTMENT recommending the re-appointment of Neil Carlson to the Board of Plumbing Examiners for a term ending June 1, 2018, was presented.

RESOLUTION NO. 8753 introduced by Councilmember Karen Hiller, approving a special event known as Eagle Cruise Night to be held on May 14, 2016, was presented.

RESOLUTION NO. 8754 introduced by Councilmember Karen Hiller, granting Cumulus Broadcasting an exception to the provisions of City of Topeka Code Section 9.45.170 concerning noise prohibitions, was presented.

MINUTES of the regular meeting of April 12, 2016, was presented.

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

<u>Business Name</u>	<u>Address</u>
Kickstart Saloon	2521 N Kansas Avenue
McDonald's #317	3117 SW Topeka Boulevard
McDonald's #995	1100 S Kansas Avenue
McDonald's #2018	1201 SW Gage Boulevard
McDonald's #5468	5525 SW 21 st Street
McDonald's #5596	2001 N Topeka Boulevard
McDonald's #7244	2880 SE California Avenue
McDonald's #11387	1640 SW Wanamaker Road
Midwest Elks Lodge #1441	1316 SE Madison Street
Moonlight Adult Boutique	4732 SW Topeka Boulevard
Nirvana Hookah House	1414 SW 16 th Street, Suite B
Riegel's 20s West	901 SW Fairlawn Road, #101
The Break Room	911 S Kansas Avenue
The Dutch Goose	3203 SW 10 th Avenue
The Famous Door Bar & Grill	1465 SE Washington Street

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

ORDINANCE NO. 19993 introduced by City Manager Jim Colson, authorizing the issuance of \$20,850,000 aggregate principal amount of General Obligation Bonds, Series 2016-A of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 12-6a01 et seq., and Charter Ordinance No. 89 of the City, all as amended was presented.

Brandon Kauffman, Finance Department Director, stated approval would allow the City to convert capital improvement projects to permanent financing through General Obligation Bonds for a total budgetary refunding savings of \$2,137,920 over the life of the bonds and a present

value savings of 8.87%. He reported the City conducted a competitive sale at market and received five bids with Fifth Third Securities, Inc., winning the bid at a 2.0163% interest rate.

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

The ordinance was adopted on roll call vote as follows: Hiller, Clear, Ortiz, Schumm, Jensen, Schwartz, Coen, Harmon and Mayor Wolgast -9. Absent: De La Isla -1.

RESOLUTION NO. 8752 introduced by City Manager Jim Colson, prescribing the form and details of General Obligation Bonds, Series 2016-A of the City of Topeka, Kansas, in the aggregate principal amount of \$20,850,000 the issuance of which were authorized by the City pursuant to its ordinance adopted and approved April 19, 2016; and authorizing certain other documents and action in connection with the issuance of the bonds was presented.

Councilmember Jensen moved to approve the resolution. The motion seconded by Councilmember Coen carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

ORDINANCE NO. 19994 introduced by City Manager Jim Colson, authorizing the issuance of Full Faith and Credit Tax Increment Refunding Bonds, Series 2016 (College Hill Redevelopment) in the maximum principal amount of \$4,430,000 of the City of Topeka, Kansas, for the purpose of currently refunding certain outstanding Full Faith and Credit Tax Increment Refunding Bonds; and making certain covenants with respect thereto was presented.

Brandon Kauffman, Finance Department Director, reported the City awarded the bid to Commerce Bank at an interest rate of 1.5716% for the College Hill TIF District bond for a total budgetary refunding savings of \$325,002 over the life of the bonds and a present value savings of 6.8%.

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

The ordinance was adopted on roll call vote as follows: Hiller, Clear, Ortiz, Schumm, Jensen, Schwartz, Coen, Harmon and Mayor Wolgast -9. Absent: De La Isla -1.

APPROVAL of a Real Estate Purchase Agreement between the City of Topeka and Seth E. and Carol R. Gallmeyer for the purchase of property and all related cost located at 4101 SW Woodbury South Court in the amount of \$160,350.78 for Project No. T-151033.00 and specifically authorizing the Mayor to execute the agreement. (Contract No. 45085)

Doug Gerber, Deputy City Manager, reported the approval would authorize the purchase of property located at 4101 SW Woodbury South Court for a drainage improvement project. He stated this option was the best solution for all parties involved to mitigate flooding issues in this area by reestablishing the channel to contain flood water more effectively.

Councilmember Clear asked how the purchase price for each property was determined.

Doug Gerber stated City staff negotiated with the property owners and reached a fair market value for each property.

Councilmember Jensen moved to approve the real estate purchase agreement. The motion seconded by Councilmember Harmon carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

APPROVAL of a Real Estate Purchase Agreement between the City of Topeka and Robert C. and Debra L. Taylor for the purchase of property and other related costs located at 4109 SW Woodbury South Court in the amount of \$181,397.63 for Project No. T-151003.00 and specifically authorizing the Mayor to execute the agreement. (Contract No. 45086)

Councilmember Jensen moved to approve the real estate purchase agreement. The motion seconded by Councilmember Harmon carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

APPROVAL of a Real Estate Purchase Agreement between the City of Topeka and the Lura M. Andrews Revocable Trust for the purchase of property located at 4100 SW Woodbury South Court in the amount of \$145,000 for Project No. T-151003.00 and specifically authorizing the Mayor to execute the agreement was presented. (Contract No. 45087)

Councilmember Hiller moved to approve the real estate purchase agreement. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

APPROVAL of the Transient Guest Tax Development Agreement submitted by Evel Knievel Musuem, Inc., was presented. (Contract No. 45088)

Lisa Robertson, City Attorney, reported approval of the development agreement would allocate transient guest tax funding to commence in 2016 and continue for 12 years for a total of \$300,000.

Bruce Zimmerman, Evel Knievel Museum Director, thanked the Governing Body for their support of the museum project.

Councilmember Schwartz moved to approve the Transient Guest Tax Development Agreement. The motion seconded by Councilmember Clear carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

ORDINANCE NO. 19995 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of February 27, 2016, through April 1, 2016, and enumerating said expenditures therein was presented.

Jim Colson, City Manager, reported approval would authorize City expenditures in the amount of \$16,899,864.80.

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

The ordinance was adopted on roll call vote as follows: Hiller, Clear, Ortiz, Schumm, Jensen, Schwartz, Coen, Harmon and Mayor Wolgast -9. Absent: De La Isla -1.

RESOLUTION NO. 8755 introduced by City Manager Jim Colson, authorizing and adopting the 2017-2021 Capital Improvement Plan and the 2017-2019 Capital Improvement Budget and approving the project budgets attached was presented.

Doug Gerber, Deputy City Manager, gave a brief overview of the CIP process and distributed handouts outlining the CIP Countywide Half-Cent Retailers' Sales Tax projects versus the proposed projects listed in the Interlocal Agreement.

Councilmember Ortiz commented on the street improvement project along SE California Avenue between SE 37th and 45th Streets and asked why the project budget amount increased.

Doug Gerber stated the listed budget amount more accurately reflects current project costs and allows for concurrent project phases.

Councilmember Schumm thanked City staff for ensuring SE California Avenue is completed properly.

Councilmember Jensen moved to approve the resolution. The motion was seconded by Councilmember Schumm.

Councilmember Clear referenced page 9 of the handout under "General Fund/Debt Service Cash – Fire Stations Renovations T-131035.00, 2017-2021 total amount of \$400,000" and asked which fire stations would be rehabilitated and what are Self-Contained Breathing Apparatuses (SCBA).

Tim Wayne, Interim Fire Chief, reported Fire Stations 3, 7, 10 and 11 are being reviewed for improvements. He reported Fire Station 11 needs improvements to the kitchen area; Fire Station 10 needs improvements to the basement area; Fire Station 7 needs overflow issues corrected; and

Fire Station 3 needs overall building maintenance. He stated SCBAs are air packs firefighters use and some units have outgrown their lifespan of 10 to 12 years.

Councilmember Ortiz asked if all the windows have been replaced in the Fire Administration Building.

Tim Wayne stated it was his understanding all windows had been replaced.

Councilmember Hiller commended staff for the updated project list and stated she is eager to start improvements.

Mayor Wolgast reminded Governing Body members that periodic project updates would be provided by staff in quarterly reports.

Councilmember Harmon questioned if the project amount for the SW 17th Street project from MacVicar to I-470 would be allocated more funds in the out years.

Doug Gerber clarified the SW 17th Street project from MacVicar to I-470 would be allocated \$800,000 from the Countywide Half-Cent Retailers' Sales Tax fund to cover the first year of the project (Year 2021) which includes acquisition and design, with additional funding allocated in upcoming years.

The motion to approve the resolution carried unanimously. Mayor Wolgast voted "yes."
(9-0-0)

RESOLUTION NO. 8756 introduced by City Manager Jim Colson, declaring the necessity to repair, alter, reconstruct, enlarge or improve the City's water, water pollution, and/or stormwater utility system through improvement projects authorized by Resolution and providing Notice of Intention authorizing the issuance of revenue bonds in the manner required by K.S.A. 10-1201, et seq., was presented.

Doug Gerber, Deputy City Manager, reported approval would authorize the issuance of revenue bonds for the water/water pollution/stormwater projects identified in the CIB and direct the City Clerk to publish the notice in the Topeka Metro News of the City's intent to issue revenue bonds.

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

APPROVAL of an Interlocal Agreement between the Board of County Commissioners of Shawnee County, Kansas, and the City of Topeka, Kansas, relating to financing countywide infrastructure development, quality of life projects and economic development to be funded by a one-half of one cent countywide retailers' sales tax was presented. (Contract No. 44926)

Lisa Robertson, City Attorney, reported Shawnee County submitted a counter-proposal to the City for consideration of a split of 52% for the County and 48% for the City as well as deletion of the proposal that included all Governing Body members being designated as voting members of the JEDO Board.

Councilmember Ortiz expressed concern with the funds being split between the County and City and projects not being completed at the end of 15 years. She stated voters approved the list of projects with the understanding the funds were shared between the County and City and all projects listed would be completed.

Jim Colson, City Manager, stated language in the Interlocal Agreement addresses a shortage of revenue if it occurs; however, staff has reviewed the funding closely and believes there are enough funds for all projects identified.

Mayor Wolgast stated it is estimated the City and County should have approximately \$1 million each in excess funds when the tax sunsets.

Councilmember Schumm expressed concern with the change in estimates and the exclusion of urban economic development funding from the proposed agreement. He stated he believes the agreement needs some language revisions relating to workforce programs and adding more funding for street improvements in the Topeka community.

Brandon Kauffman, Finance Department Director, reported \$262 million was the original estimate for the City; however, they reached an agreed estimate of \$270.8 million with the County which included a 1% growth average.

Mayor Wolgast stated he believes some of the concerns expressed by Councilmember Schumm are addressed in Section 5 of the Interlocal Agreement regarding Economic Development Priorities Urban Programs; however, funds are not mandated and the JEDO Board should keep this in mind as they develop annual goals.

Councilmember Schwartz moved to approve the interlocal agreement. The motion was seconded by Councilmember Coen.

Councilmember Jensen stated he concurs with Councilmember Schumm and believes GO Topeka needs to receive clear direction from the JEDO Board regarding urban economic development programs.

Councilmember Hiller thanked the Governing Body and Shawnee County Commissioners for good discussions and the inclusion of urban economic development language and direction. She questioned if the issue would be considered by the JEDO Board in the near future.

Mayor Wolgast suggested Councilmember Hiller make the request to the JEDO Board Chair for inclusion on a JEDO Board agenda.

Bob Archer, Shawnee County Commissioner, encouraged the Governing Body to approve the Interlocal Agreement. He expressed the importance of the agreement addressing the needs of the community.

Lazone Grays distributed handouts and commented on the lack of job reform in Topeka. He expressed concern with the lack of funding for much needed urban economic development programs dealing with workforce training of target populations.

Carol Marple expressed concern with approving the agreement at this time and believes more discussions between JEDO Board members should take place. She spoke in support of all Governing Body members having the right to vote on the JEDO Board.

Mayor Wolgast commended the Governing Body on the proposals included in the agreement and stated he believes the document reflects compromise by all parties involved.

Councilmember Hiller spoke in support of urban economic development programs and ensuring proper workforce development for citizens in the community. She stated she believes all Governing Body members have the responsibility to reinforce strategic planning while serving on the JEDO Board.

The motion to approve the interlocal agreement carried. Mayor Wolgast voted “yes.” Councilmembers Schumm and Harmon voted “no.” (7-2-0)

DISCUSSION regarding the request to annex land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, located on the north side of SW 27th Street and SW Indian Hills Road, within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits was presented.

Bill Fiander, Planning Department Director, gave a brief overview of the annexation process. He reported the request for annexation of a 1.46-acre tract outside of the city limits in West

Indian Hills Subdivision No. 12 would be presented for consideration at the May 3, 2016 Council meeting.

Governing Body members questioned if there would be additional expenses to the property owner as well as the City if the annexation is approved.

Bill Fiander stated there would be additional expenses to the property owner such as sewer hookups as well as infrastructure improvements and maintenance costs for the City.

DISCUSSION regarding the proposed ordinance concerning Planned Unit Development (PUD) districts amending City of Topeka Code Sections 18.190.010, 18.190.040 and 18.190.050 and repealing original sections was presented. (ACZR16/1)

Bill Fiander, Planning Department Director, gave a brief overview of the Planned Unit Development (PUD) regulations. He stated the new regulations would allow for a more flexible tool to build a zoning district for a single property and the adaption of zoning for the use of existing buildings.

Councilmember Jensen expressed concern with how approved PUDs would affect residential neighborhoods resulting in unintended consequences.

Bill Fiander reported the new regulations provide more protection for neighborhoods.

Councilmember Hiller expressed her appreciation to City staff for considering all aspects that could affect and protect neighborhoods.

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

Mayor Wolgast announced there would be no City Council meeting April 26, 2016.

Jim Colson, City Manager, announced crews would continue to pick up items from the Curb Your Clutter event and thanked Shawnee County for their partnership to ensure a successful

event. He recognized the outstanding response by Public Safety and Public Works Department employees in responding to the water main breaks along SW Wanamaker Road between SW 10th and 21st Streets. He reported the water main improvement project is in the design phase with anticipation to start construction this summer. He also announced the Party with the Planet is scheduled April 23, 2016, at the Topeka Zoo from 9:00 a.m. to 3:00 p.m.

Councilmember Schwartz announced Old Prairie Town would host the annual plant sale on April 30, 2016; the Kansas Children's Service League would hold board meetings and annual awards banquet the week of April 25, 2016; and JUMP is scheduled for April 27, 2016, at 7:00 p.m. at the Ramada Inn Downtown. She announced this week's "gem" of Topeka is its various religious communities.

Councilmember Coen announced the Meadow Crest Neighborhood Association would hold a meeting on April 26, 2016, at 7:00 p.m. at Crestview United Methodist Church.

Councilmember Hiller commented on the unveiling of the second pocket park on South Kansas Avenue by Bartlett & West on April 18, 2016. She thanked the Public Works Department staff for their assistance at the public hearing held to discuss street projects in Council District No. 1.

Councilmember Ortiz announced TMTA would offer free rides on April 21, 2016, in honor of Earth Day; the Get Down and Get Dirty event sponsored by Keep America Beautiful would occur on April 23, 2016, from 10:00 a.m. to 12:00 p.m.; and the East Topeka Crime Summit is scheduled for April 26, 2016, at Highland Park High School at 5:30 p.m. She asked the City Manager to ensure traffic detours in the Oakland community are safe and easy to utilize. She commented on the overwhelming positive response to the "Topeka Way to Work" Youth

Employment Program and thanked the City's Human Resources Department and Community Engagement Division staff for their work on the program.

Councilmember Schumm announced the East Topeka Crime Summit would be held April 26, 2016, at 5:30 p.m. at Highland Park High School. He commended the Governing Body for a successful year and their service to the community. He submitted his resignation as Council representative of Council District No. 4 effective April 20, 2016.

Mayor Wolgast commended Councilmember Schumm for his service on the City Council.

Janet Schalosky, Vic Miller and Lazone Grays appeared to speak under public comment.

Councilmember Hiller 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 Jensen carried unanimously. Mayor Wolgast voted "yes." (9-0-0)

At 8:45 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 8:45 p.m.

Brenda Younger
City Clerk