

## **Governing Body Minutes – January 17, 2017**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 17, 2017. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Schwartz and Coen -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Harmon -1.

AFTER THE MEETING was called to order, Pastor Shawn O’Trimble, Oakland United Methodist Church, gave the invocation.

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

ADVISORY COUNCIL APPOINTMENT of Susan Duffy to the City of Topeka ADA Advisory Council for a term ending January 18, 2019, was presented.

Councilmember Coen moved to approve the appointment. The motion seconded by Councilmember Clear carried. Mayor Wolgast abstained. (8-0-1)

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of January 10, 2017, was presented.

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

Lisa Robertson, City Attorney, requested to add a resolution to the agenda regarding election terms for MTPO Policy Board members due to recent changes in municipal elections. She reported the proposed resolution outlines terms to begin January of even numbered years rather than January of odd numbered years closing the gap between Governing Body elections and appointments. She noted if the proposed resolution was approved there would be no need for

MTPO elections at this time and the incumbents appointed in April 2015 would continue to serve until January 2018.

Councilmember Jensen moved to add the resolution to the Council agenda as item 6A under Action Items. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

RESOLUTION NO. 8848 introduced by Interim City Manager Doug Gerber, relating to the appointment of three councilmembers to the Metropolitan Topeka Planning Organization (MTPO) Policy Board and repealing Resolution No. 8822 was presented.

Councilmember Jensen moved to approve the resolution. The motion seconded by Councilmember Emerson carried unanimously. (9-0-0)

Election of City Council representatives to the Metropolitan Topeka Planning Organization (MTPO) Policy Board was withdrawn from the agenda upon approval of Resolution No. 8848.

ELECTION of two City Council voting representatives to serve a one-year term on the Joint Economic Development Organization (JEDO) Board was presented.

Councilmember Jensen moved to nominate Councilmember Emerson to serve on the JEDO Board.

Councilmember Clear moved to nominate Councilmember Hiller to serve on the JEDO Board.

Councilmember Jensen moved to nominate Councilmember De La Isla to serve on the JEDO Board.

Upon hearing no further nominations, Mayor Wolgast announced that the nominations were closed.

After the tally of votes, the City Clerk announced Councilmember Emerson received nine (9) votes, Councilmember De La Isla received five (5) votes and Councilmember Hiller received

four (4) votes.

Councilmember Hiller withdrew her nomination.

Mayor Wolgast announced Councilmembers Emerson and De La Isla would serve as JEDO Board voting members.

RESOLUTION NO. 8849 introduced by Interim City Manager Doug Gerber, naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatories and rescinding City of Topeka Resolution No. 8820 was presented.

Doug Gerber, Interim City Manager, stated approval was necessary due to the changes in staff and working titles to complete daily duties.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

RESOLUTION NO. 8850 introduced Interim City Manager Doug Gerber, concerning the City of Topeka's participation in the State of Kansas municipal Investment Pool and rescinding City of Topeka Resolution No. 8736 was presented.

Doug Gerber, Interim City Manager, stated approval was necessary to amend changes in staff and working titles.

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

RESOLUTION NO. 8851 introduced by Interim City Manager Doug Gerber, expressing support for housing tax credits for the Topeka Housing Authority for the Johnston Village development project was presented.

Doug Gerber, Interim City Manager, reported approval would express the Governing Body's support for Low Income Housing Tax Credits (LIHTC) for Topeka Housing Authority development of Johnston Village.

Trey George, Topeka Housing Authority Chief Executive Officer, reported approval would indicate support of the Governing Body for the Johnston Village Affordable Housing Project within the city of Topeka. He noted one change from the 2016 LIHTC application includes adding a hammerhead road design to the east of the property on SE Golden Avenue for emergency access.

Councilmember Ortiz expressed her appreciation for the improvements made to SE Golden Avenue; however, curbs and gutters still need to be installed. She expressed concern with bus stop safety for school children and residents.

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

RESOLUTION NO. 8852 introduced by Interim City Manager Doug Gerber, expressing support for housing tax credits for the Topeka Housing Authority for Ybarra Place II development project was presented.

Doug Gerber, Interim City Manager, reported approval would express the Governing Body's support for Low Income Housing Tax Credits (LIHTC) for Topeka Housing Authority development of Ybarra Place II.

Trey George, Topeka Housing Authority Chief Executive Officer, stated approval would indicate support of the Governing Body for Ybarra Place II Affordable Housing Project within the city of Topeka. He noted a change from the 2016 LIHTC application includes reducing the number of units from 60 to 14.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

CONSIDERATION by the Governing Body to schedule a special meeting on January 24, 2017, or January 31, 2017, to discuss the selection of an executive recruitment firm concerning the hiring of a permanent city manager was presented.

Mayor Wolgast reported the response deadline for the Request for Proposal (RFP) was January 18, 2017. He asked the Governing Body if they would like to schedule a special meeting on January 24, 2017 or January 31, 2017 to review the RFPs and move the process forward as efficiently as possible.

Following consensus of the Governing Body, Mayor Wolgast announced a Special Meeting of the Governing Body would be held on January 31, 2017, at 6:00 p.m. in the City Council Chambers to discuss the selection of an executive recruitment firm concerning the hiring of a permanent city manager.

Mayor Wolgast reported the RFPs would be available for review by Governing Body members on January 23, 2017, in the Human Resources Department along with a summary page outlining the RFPs received.

Governing Body members requested to have at least five RFPs with a minimum of three RFPs to review at the January 31<sup>st</sup> meeting; the cost of each firm be included in the summary page; and distribute the RFPs electronically to Governing Body members when available.

DISCUSSION of grant funding priorities for 2017 and an update on grant writing activities was presented.

Sheena Smith, City Senior Grant Writer, provided an overview of the approach to select grant priorities, grant funding priorities and recent grant activities.

Councilmember Harmon entered the room.

Governing Body members requested the following:

- Seek grants relating to affordable housing for low to moderate income families in Topeka.
- Seek grants to help facilitate meal programs for area youth and youth employment programs.
- Seek grants that would assist with street improvements.
- Seek federal grants as well as other foundation funding sources specifically with State agencies.
- Remain mindful and avoid grants duplicating services such as economic development.
- Review and determine if an additional staff person was needed to assist in seeking grant funding opportunities for the City, and if so, include money in the 2018 operating budget to fund the position.
- Provide reports on the sustainability of grants received by the City.
- Research and determine if there are certain criteria for area mental health agencies to utilize funds that would best serve the community while lending assistance to those agencies to achieve grant funding when applicable.

Sheena Smith reported the City receives grant funding then utilizes those funds to increase participation in programs through equipment, outreach and support; youth employment programs could be added as one of the City's priorities; and she would report back on street initiatives. She stated she participates on a task force to determine the mental health needs of the community and how grants can best serve those needs.

Doug Gerber, Interim City Manager, thanked Governing Body members for providing their input and noted the City will continue to follow a strategic approach as they move forward in obtaining grant funding.

DISCUSSION regarding a funding agreement with the Topeka Performing Arts Center for excess General Funds allocated to them on December 20, 2016 was presented.

Doug Gerber, Interim City Manager, reported on December 20, 2016, the Governing Body approved the allocation of funding to the Topeka Performing Arts Center Fund for operational needs with terms for disbursement to be agreed upon by TPAC and the City.

Nickie Lee, Budget Manager, reported TPAC received a short-term influx of \$100,000 from the City to assist with operations in 2016, and an additional \$300,000 will be allocated throughout 2017. She expressed the importance of itemizing how the funds would be utilized and noted the requirements have been outlined in the proposed contract amendment.

Councilmember Jensen asked if cost saving measures relating to City services were included in the contract for items such as information technology and maintenance of the building.

Councilmember Emerson expressed concern with requiring 40% of the funds to be used for infrastructure and noted TPAC needs the entire \$300,000 to operate on an annual basis.

Councilmember Hiller spoke in support of funds being used for operational needs; however, before consideration she would like to review TPAC's complete financial statements for the past couple of years. She stated there are no measurable goals listed and fundraising amounts should be clarified in the "2017 Plan for Success." She suggested the contract stipulate report specifics on a quarterly basis.

Councilmember Coen asked how other communities fund civic art centers.

Doug Gerber reported no consideration has been given to the potential cost savings in services at this time; staff focused on achieving tangible results from TPAC resulting in 40% of the funds being used for infrastructure improvements and there is a need to work towards a sustainable venue while placing some operational burdens on TPAC to raise funds.

Nickie Lee stated most large civic centers have some other type of funding support such as a university; however, all communities are different.

Jim Wempe, TPAC President, thanked the City for the funds that have been contributed, allowing TPAC to negotiate new and better contract terms with their entertainment provider. He

stated there are plans to create focus groups to gather community input on programming;  
continue to raise private funds as well as continue to seek grant funding opportunities.

Councilmember Jensen encouraged TPAC to hire a staff person to solely work on fundraising initiatives and suggested making major changes in operational goals to make TPAC successful.

Councilmember Emerson asked if TPAC has the option to sell tickets at a discount if an event does not sell out.

Councilmember Schwartz encouraged all community theaters to collaborate with one another in regards to marketing, schedules and other items to efficiently utilize funds.

Doug Gerber reported the City has received more detailed financial documents from TPAC and staff would forward the information to the Governing Body.

Larry Gawronski, TPAC Executive Director, appeared for questions and provided a brief overview of current operations.

Councilmember Jensen expressed the importance in creating a solid marketing plan.

Councilmember Schwartz encouraged TPAC to continue to work with local high schools to promote shows.

Councilmember Hiller asked TPAC to clarify underwriting and fundraiser efforts.

Councilmember Ortiz requested TPAC provide student ticket price options and a variety of ways to improve marketing.

Doug Gerber reported TPAC's financial situation is evolving and staff will continue to work on a solution to the problem.

Chris Schultz, Vince Frye and Elder Steven Massey spoke in support of continued operation of TPAC.



DISCUSSION on the pavement management program, findings of current pavement conditions and budget levels needed to improve pavement conditions was presented.

Doug Gerber, Interim City Manager, expressed the importance of having a strategic approach to a pavement management program for the City of Topeka.

Jason Peek, Public Works Director, provided an overview of the pavement condition index (PCI) score of streets across the city and factors considered when rating streets including rehabilitation; reconstruction; full depth repairs; overall condition of city streets; deferred maintenance and stop gap measures. He expressed the importance of having an annual budget in place to support a 10-year PCI goal to work towards the most cost-effective maintenance strategy. He highlighted the following:

- Preventive maintenance is critical.
- PMP is asset management.
  - PCI goals drive maintenance strategies.
  - Annual targets for each strategy.
- A maintenance program leads project selection.
- PCI goals need to be linked to funding.

Governing Body members asked the following questions:

- If the City had the resources, would it be possible to do what was needed annually to improve the overall PCI.
- Is there joint City-County funding available to use for street repairs.
- What PCI level could the City realistically manage and what would the level cost in terms of dollars and potential sales tax funds.

Jason Peek stated the City does not have the resources to manage the amount needed annually (\$51 million); however, the City could manage a range of 55-65 PCI at a cost of approximately \$21 million annually, which would include excess sales tax money.

Doug Gerber reported more discussions on the pavement management program would follow on future agendas. He requested Governing Body members begin to think about how they would prefer moving forward on street improvement projects and road condition goals.

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

Doug Gerber, Interim City Manager, announced the NE Seward Improvement Project would start February 6, 2017. He thanked Brandon Kauffman, Financial Services Director, for his service to the City.

Councilmember Clear announced an informational meeting regarding a proposed re-entry house would be held January 25, 2017, at 6:00 p.m. at 3401 NW Seward; and an informational meeting concerning a zoning application for property located on Lower Silver Lake Road would be held January 31, 2017, at 5:30 p.m. at the Seaman Congregational Church located at 2036 NW Taylor Street.

Councilmember Ortiz thanked Brandon Kauffman, Financial Services Director, for his service to the City.

Councilmember Emerson announced this year Highland Park High School would celebrate their 100th Year Anniversary. He also announced the Highland Park High School 25th Year Anniversary Celebration of Parent/Child Learning Center would be held on January 26, 2017.

Councilmember Jensen thanked Emergency Management personnel for preparing for the anticipated ice storm.

Councilmember Harmon thanked Brandon Kauffman, Financial Services Director, for his service to the City.

Councilmember Clear moved to recess into executive session for a time period not to exceed 20 minutes to discuss security matters. To assist the Governing Body in discussion, the following individuals were requested to be present: Interim City Manager, City Attorney, City

Clerk and Human Resources staff. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)

At 9:53 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Harmon moved to extend the Governing Body 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 15 minutes to discuss potential litigation of contractual issues. To assist the Governing Body in discussion, the following individuals were requested to be present: Interim City Manager, City Attorney and staff. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

At 10:08 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 10:08 p.m.

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Brenda Younger  
City Clerk