

Governing Body Minutes – February 7, 2017

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 7, 2017. The Governing Body members of the City of Topeka met in session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Clear, Emerson, De La Isla, Jensen, Schwartz and Coen -7. Mayor Larry E. Wolgast presided -1. Absent: Councilmembers Ortiz and Harmon -2.

AFTER THE MEETING was called to order, Chaplain Major John Potter, Joint Forces Headquarters, Kansas National Guard, gave the invocation.

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

A PRESENTATION of the 2017 Annual Topeka Armed Forces Personnel of the Year Awards was presented by Mayor Larry Wolgast to the following individuals:

- Staff Sgt. Patrick Gordon, Kansas Army National Guard
- Hospital Corpsman 1st Class Jamie Tuttle, United States Navy
- Sgt. Kyle A Scrimsher, United States Marine Corps
- Yeoman 2nd Class Amanda M. Dow, United States Coast Guard
- Master Sgt. Michael Wagner, United States Army Reserve
- Capt. Casey Montgomery, Kansas Air National Guard

BOARD APPOINTMENT recommending the reappointment of Mary Powell to the Topeka Sustainability Advisory Board for a two-year term ending March 1, 2019, was presented.

BOARD APPOINTMENT recommending the reappointment of Derrick Carpenter to the Topeka Sustainability Advisory Board for a two-year term ending March 1, 2019, was presented.

Councilmember Clear moved to approve the appointments. The motion seconded by Councilmember Jensen carried unanimously. (7-0-0)

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20051 introduced by Interim City Manager Doug Gerber, allowing and approving City expenditures for the period of December 3, 2016, through December 30, 2016, and enumerating said expenditures therein was presented.

RESOLUTION NO. 8853 introduced by Councilmember Karen Hiller, approving a special event known as the 2017 St. Patrick's Day Street Party was presented.

RESOLUTION NO. 8854 introduced by Councilmember Karen Hiller, approving a special event known as the 2017 Mater Dei Irish Fest was presented.

MINUTES of the regular meeting of January 17, 2017, was presented.

MINUTES of the Special Meeting of January 31, 2017, was presented.

A Cereal Malt Beverage License application for Great Life North located at 350 NE U.S. 24 Highway was presented.

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

ORDINANCE NO. 20052 introduced by Interim City Manager Doug Gerber, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property lying between SW 29th Street and SW 31st Street and east of SW Lincoln Street in the City of Topeka, Kansas from "O&I-3" Office and Institutional, "O&I-2" Office and Institutional, "R-1" Single Family Dwelling District, "M-2" Multiple Family Dwelling District and "PUD" Planned Unit Development (M-2 and M-3 uses) ALL TO "PUD" Planned Unit Development District (O&I-3, O&I-2, M-2, M-3 use groups) was presented. (PUD16/6)

Bill Fiander, Planning Department Director, reported approval would allow for a new multi-purpose community center and parking garage.

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

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Emerson, De La Isla, Jensen, Schwartz, Coen and Mayor Wolgast -8. Absent: Ortiz and Harmon -2.

RESOLUTION NO. 8855 introduced by Interim City Manager Doug Gerber, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to allow for a “Public Utility Facility, Type II (Water Pump Station)” on property zoning “R-1” Single Family Dwelling District and located at the SE corner of SE 5th Street and SE Norwood Avenue in the City of Topeka, Shawnee County, Kansas was presented. (CU16/6)

Bill Fiander, Planning Department Director, reported approval would construct a water pump station, replacing the existing station located at the Rice Community Center property.

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

AN ORDINANCE introduced by Councilmember Brendan Jensen, concerning miniature pigs amending City of Topeka Code Section 6.35.030 and repealing original section and creating new Chapter 6.45 was presented.

Councilmember Jensen reported staff has determined a need for a more comprehensive review of City Code regarding the matter.

Councilmember Jensen moved to refer the ordinance to the Public Health and Safety Committee for further review. The motion was seconded by Councilmember De La Isla.

Gary Pence spoke in opposition to allow miniature pigs within city limits.

The motion to refer the ordinance to the Public Health and Safety Committee carried unanimously. (8-0-0)

A RESOLUTION introduced by Interim City Manager Doug Gerber, approving an agreement with the Topeka Performing Arts Center, Inc. (TPAC) regarding funding for 2017 operational needs was presented.

Doug Gerber, Interim City Manager, provided a brief background on TPAC's financial situation and expressed the importance of finalizing the contract for distribution of funds.

Nickie Lee, Interim Finance Director, stated the Governing Body should determine what parameters are needed to allocate funding and how those allocations work into a long-term plan.

Councilmember De La Isla expressed concern with no fund-raising requirements and asked if TPAC should consider establishing a grant writer position to ensure a higher rate of success.

Councilmember Emerson stated he does not support limiting the use of funds for certain items by TPAC; however, they are receiving a large amount of money and they need to be held accountable. He requested deferring the resolution for one week for further review.

Doug Gerber stated the language in the contract was drafted in a manner that would allow general uses of the funds which could include a grant writer position.

Councilmember Hiller expressed concern with the language of the contract and stated she believes negotiations are needed to establish if the funds could accomplish a successful outlook for TPAC. She stated she does not want to direct TPAC on how to spend the funds; however, she would prefer to have goals established. She distributed language amendments for the contract (Article F.) and adding Exhibit A titled "Topeka Performing Arts Center Goals and Objectives 2017." She stated she concurs with Councilmember Emerson and would support deferring the resolution one week for further review.

Councilmember Emerson moved to approve the resolution. The motion was seconded by Councilmember Clear.

Councilmember Harmon entered the room.

Councilmember De La Isla stated she would prefer to include some form of accountability language in the TPAC agreement.

Councilmember Coen moved to defer the resolution for one week. The motion was seconded by Councilmember Emerson.

Doug Gerber requested guidance from the Governing Body concerning suggested amendments to the agreement.

Councilmember Jensen spoke in support of the amendments distributed by Councilmember Hiller.

Councilmember Schwartz suggested staff review the Transient Guest Tax agreements for guidance.

Councilmember Harmon stated he would prefer more discussion on the matter as the consensus seems to support the creation of a long-term plan. He requested they receive more background information so they could make an informed decision.

Doug Gerber suggested allocating a stop-gap payment for the short-term or the City could make quarterly payments to TPAC until the Governing Body was comfortable with the agreement, a long-term plan has been established and the level of support by the City has been determined.

Councilmember Hiller expressed the importance of resolving the issue as soon as possible as there was an urgency of guaranteeing stability for donors willing to make financial commitments.

Councilmember De La Isla stated she believes the agreement should be treated in the same manner as Transient Guest Tax funds with the same strict requirements.

The motion to defer the resolution for one week carried unanimously. (9-0-0)

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

Doug Gerber, Interim City Manager, reported the discussion is a continuation from the Governing Body meeting of January 17, 2017. He stated staff is seeking guidance from the Governing Body to determine the desired Pavement Condition Index (PCI) Goal for the City of Topeka.

Jason Peek, Public Works Director, gave an overview of implementing a comprehensive pavement management program to improve current PCI scores; PCI Goals and associated program budgets; and pavement backlog streets. He stated the ratings reaffirm that the City needs an effective pavement management program to improve the overall condition of streets and requested input from the Governing Body on the desired PCI goal for Topeka.

Councilmember Coen asked staff to find a variety of funding sources to solve the low PCI rating for street conditions.

Councilmember Clear stated she is more interested in fixing the backlog of street problems.

Councilmember Schwartz asked why the backlog of streets was so large; and how do other cities compare to Topeka in regards to the amount of funds spent on street repairs. She questioned the decrease in funding from KDOT and if it would have an effect on street improvements.

Mayor Wolgast asked to what extent other cities use general funds for this purpose.

Councilmember Jensen spoke in support of 70 PCI as a soft target and suggested reviewing options to finance a solution for \$38 million annually.

Councilmember De La Isla expressed concern with the level of funding needed to fix streets and the backlog increasing over time. She suggested presenting different alternatives for funding street improvements and allowing citizens to vote on how to handle fixing streets.

Councilmember Emerson spoke in support of a 70 PCI goal. He expressed the importance of determining a solid financial plan that would not place the financial burden on taxpayers.

Mayor Wolgast stated he believes street improvements are a quality of life issue and they may have to consider different funding options such as the general fund.

Councilmember Hiller asked how much funding would be needed annually to achieve a reasonable PCI after the backlog of street repairs has been eliminated.

Jason Peek reported it would take approximately 10 years to complete backlog street repairs, beginning in year 11 it would take approximately \$15 million annually to maintain a PCI goal of 80.

Councilmember Jensen encouraged citizens to provide feedback regarding street improvements to their council representative.

Joseph Ledbetter expressed the importance of productivity to help eliminate budget problems. He spoke in opposition of increasing the sales tax to fund the problem and suggested more discussions occur regarding contractor service warranty regulations.

DISCUSSION for the purpose of establishing priorities for the 2018 budget on or before the third Tuesday of May was presented.

Nickie Lee, Interim Finance Director, provided an overview of the 2017 Budget Accomplishments; the 2018 budget issues including the property tax lid passed by the State; utility rate increases; federal and state budget implications, addressing deferred maintenance for

City fleet and facilities; comprehensive solutions for infrastructure and the tentative 2018 budget calendar.

Mayor Wolgast asked Governing Body members to contact Ms. Lee directly with any scheduling conflicts.

Councilmember Schwartz requested budget information be listed on Nextdoor.com to get input from citizens on budget priorities.

Councilmember Hiller expressed her appreciation to staff for starting budget discussions early. She suggested they adopt budget priorities in March of every year and requested staff conduct a five year budget projection based on the 2017 City of Topeka Operation Budget figures to know what to expect for 2018.

Doug Gerber, Interim City Manager, reported 5-year financial projections are already being conducted by staff.

Joseph Ledbetter expressed concern with the need to examine outdated bargaining union contract rules; the possibility of reducing the City's fleet size; and if the City has the capacity to support doubling infrastructure improvements. He suggested adding a survey to utility bills to provide more interaction with the public on budget priorities and funding of street repairs.

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

Doug Gerber, Interim City Manager, announced the Capital Improvement Plan (CIP) Open House on February 1, 2017, was well attended by the community; and a CIP Bus Tour for Governing Body members would be held on February 11, 2017, from 10:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m.

Mayor Wolgast complimented City staff for sharing great presentations at the CIP Open House on February 1, 2017. He referenced a Kansas Government Journal article in the December 2016 issue regarding improving transparency which recognized the City of Topeka as a leader in the state of Kansas.

Councilmember De La Isla stated she attended the Chairman's Lunch 2017 sponsored by the Wichita Regional Chamber of Commerce on February 7, 2017, and commented on the focus of the event which included timely topics such as the importance of inclusiveness and entrepreneurship.

Councilmember Jensen invited the community to attend the College Hill Winter Chili Feed event hosted by the College Hill Neighborhood Association on February 11, 2017 at 5:00 p.m. at the University United Methodist Church located at 1621 SW College Avenue.

Councilmember Schwartz encouraged citizens to support local restaurants on Valentine's Day. She commented on the need to recognize community boards and commissions and the hard work displayed by these volunteers to improve the community.

Councilmember Coen asked citizens to contact their council representative if they are interested in serving on boards and/or commissions.

Councilmember Hiller clarified that anyone can submit a SeeClickFix ticket anonymously and still receive feedback on the status of an issue. She thanked the Topeka Police Department and Safe Streets for participating in the Crime Summit and follow-up leadership meeting for Council District No. 1.

Councilmember De La Isla moved to recess into executive session for a time period not to exceed 10 minutes to discuss potential litigation. To assist the Governing Body in discussion, the following individuals were requested to be present: Interim City Manager, City Attorney,

Human Resources Director and staff. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

At 9:45 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Clear moved to recess into executive session for a time period not to exceed 20 minutes to discuss personnel matters. To assist the Governing Body in discussion, the following individuals were requested to attend: Interim City Manager and City Attorney. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

At 10:05 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Emerson moved to recess into executive session for a time period not to exceed 20 minutes to continue discussion of personnel matters. To assist the Governing Body in discussion, the following individuals were requested to attend: Interim City Manager and City Attorney. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

At 10:25 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 10:25 p.m.

Brenda Younger
City Clerk