

## **Governing Body Minutes – February 14, 2017**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 14, 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, 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, Councilmember Ortiz gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

APPROVAL of a Workers' Compensation Settlement for Mitchell White, Water Department employee in the amount of \$18,986.75 as a full and final settlement for the permanent partial impairment of injuries suffered to both wrists performing his job duties was presented.

MINUTES of the regular meeting of February 7, 2017, was presented.

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

A PUBLIC HEARING and ORDINANCE NO. 20053 introduced by Interim City Manager Doug Gerber, relating to the vacation of a 15-foot wide section of public right-of-way along SE Madison Street and a 10-foot wide section of public right-of-way along SE Jefferson Street on property adjacent with 600 SE Madison Street in the City of Topeka, Shawnee County, Kansas, was presented. (V16S/6)

Doug Gerber, Interim City Manager, reported approval would provide the property with a clear title by eliminating two existing encroachments in the public right-of-way.

Bill Fiander, Planning Department Director, reported Madison Street Apartments, L.L.C., recently purchased the Santa Fe Apartments located at 600 SE Madison and are starting rehabilitation of the building to add affordable, low-income senior housing units.

Mayor Wolgast opened the public hearing and asked if there was anyone present who would like to speak to the matter.

Upon no one appearing, Mayor Wolgast announced the public hearing was closed.

Councilmember Hiller 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, Clear, Ortiz, Emerson, De La Isla, Jensen, Schwartz, Coen and Mayor Wolgast -9. Absent: Harmon -1.

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, reported the resolution was deferred from the meeting of February 7, 2017, for the purpose of allowing additional time for discussion by the Governing Body. He reported staff is asking for action on the resolution which authorizes the contract agreement that includes proposed amendments presented by Councilmember Hiller at the February 7, 2017, Governing Body meeting as well as matrix language, receiving and declaring quarterly financial statements, cash flow, quarterly payments in the amount of \$67,500, and a final payment of \$30,000 which would depend on TPAC meeting the requirements as outlined in Exhibit A of the contract.

Councilmember Clear stated she believes Exhibit A contains suggestions and not specific goals or objectives.

Councilmember Hiller reported TPAC preferred to include specific goals and objectives and not their entire business plan. She stated TPAC anticipates exceeding the goals outlined as well as the funding amounts listed now align with budget line items including quarterly financials, cash flow projections and progress reports for performance goals which will be helpful when reviewing TPAC's 2018 operating budget in April.

Councilmember De La Isla expressed concern with the Governing Body not making a decision on a permanent funding level for TPAC. She expressed her appreciation to staff for their work on the issue; however, she will not support the proposal until a permanent funding level has been established.

Mayor Wolgast asked if the funds would be monitored in the same manner as grant funding.

Nickie Lee, Financial Services Director, stated the agreement would be considered a contractual service and will be monitored in the same manner as other contract services.

Councilmember De La Isla noted the Economic and Community Development Committee monitor non-profit organizations who receive grant funding to ensure they are meeting goals and objectives; therefore, TPAC funding should be handled in the same manner.

Councilmember Jensen questioned if TPAC funding could be monitored by the Economic and Community Development Committee ~~in the same manner as TGT funds~~ and split into two separate budget line item categories (1) infrastructure costs and (2) operational costs - for tracking purposes.

Nickie Lee reported infrastructure costs including utilities, property insurance and facility maintenance are already monitored separately from operational costs and listed in different budget line items.

Councilmember Ortiz stated she believes the agreement as presented proposes a good start to a long-term solution; however, she suggested TPAC be required to seek approval of the Governing Body before receiving each quarterly payment to make certain progress is being discussed and tracked. She also stated she believes TPAC needs to do a better job of marketing their brand and collaborate with Visit Topeka, Greater Topeka Chamber of Commerce and Growth Organization of Topeka for broader public impact.

Councilmember Emerson spoke in support of the resolution. He expressed his appreciation to the TPAC Board of Directors, City staff and Councilmember Hiller for their work on drafting the agreement and ensuring there is enough accountability for TPAC to succeed.

Mayor Wolgast stated TPAC plays a crucial part of the quality of life in the Topeka community and currently provides a variety of events. He noted the TPAC Board of Directors appears to be making better decisions regarding TPAC's future success and he hopes they can continue operating for many more years.

Councilmember Hiller stated she understands the Governing Body wants to hold TPAC accountable for efficient use of the funds and would support the ~~Economic and Community Development~~ Transient Guest Tax (TGT) Committee monitoring TPAC's progress.

Councilmember Jensen suggested the ~~Economic and Community Development~~ TGT Committee begin monitoring funds in the 2018 budget.

Councilmember Schwartz spoke in support of the ~~Economic and Community Development~~ TGT Committee overseeing the use of funds and would like to see the community and TPAC work together in determining TPAC's future.

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

Councilmember Ortiz requested the contract amendment include language that would require Governing Body approval of the quarterly payments in the amount of \$67,500.

Lisa Robertson, City Attorney, stated staff would draft the appropriate language to reflect the directive of the Governing Body.

Councilmember Ortiz ~~The motion~~ moved to defer the resolution for one week. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

DISCUSSION related to establishing a tourism business improvement district (BID) and determining the number of individuals who will serve as members of the district planning committee was presented.

Kurt Young, Topeka Lodging Association CEO, reported the Topeka Lodging Association is requesting to establish a Tourism BID in Topeka that would include all hotels located within city limits to generate revenue used to promote tourism and finance services related to the development and operation of the downtown plaza and other tourism related projects within the community.

Nichole Farley, Civitas, provided an overview of how a tourism business improvement district works, what steps are needed to form a district and the timeline involved in the overall process. She noted all hotels that pay the Transient Guest Tax would pay the assessment.

Councilmember Emerson asked if the Tourism BID has been successful in Wichita, Kansas.

Nichole Farley stated there have been no legal issues to date and the Tourism BID provides many benefits to the Wichita community.

Mayor Wolgast reported the first step to establishing a Tourism BID was to create a District Planning Committee approved by the Governing Body. The committee would address (1)

proposed boundaries (2) services provided (3) annual cost to provide the services for the next three years and (4) financing.

Councilmember Schwartz asked if Civitas would charge an on-going administrative fee to implement the Tourism BID.

Nichole Farley reported Civitas charges a one-time fee for services provided.

Councilmembers Jensen and Hiller commended the Topeka Lodging Association for finding a creative solution to fund the downtown plaza.

Councilmember Ortiz thanked the Topeka Lodging Association and all hotel employees for providing great services to the community.

DISCUSSION regarding the history and overview of the Riverfront Park Project was presented.

Doug Gerber, Interim City Manager, reported the City has finalized negotiation of the acquisition of the final parcel located in the original Riverfront Park footprint and approval of the acquisition of property would be presented at the February 21, 2017, Governing Body meeting. He stated upon approval to acquire the property the Governing Body would have the following three options to consider:

1. The City could develop the park as a component of the Riverfront Redevelopment in the vein of economic development and work with stakeholders to create a destination for tourism.
2. The City could demolish the structures and create basic green space, followed by the transfer of the property to Shawnee County with provisions on the use of any remaining TGT funds.
3. The City could deed property currently owned by the City to Shawnee County and transfer the remaining TGT funds to Shawnee County for the purpose of developing the park with contractual provisions to govern the use of land and money.

Councilmember Ortiz asked how much funding has been expended on the Riverfront Park project to date and if there are plans on how to move forward.

Doug Gerber reported \$1,276,571 has been collected in TGT funds for the Riverfront Park project, and of this total \$586,082 has been expended with approximately \$106,000 transferred to Shawnee County in 2012, with a total available balance of \$696,000.

Councilmember Schwartz spoke in support of the Riverfront Park project. She stated she believes it would be a great asset to the community.

Councilmember Hiller provided history on the Riverfront Park development project and how it was created. She stated she believes this is a transitional time for the Kansas River area and both the north and south sides of the river need to be considered when planning. She questioned who would ultimately be responsible for the recreation area and if there have been recent discussions between Shawnee County and the City in regards to park operations. She encouraged the City to be prepared as the project moves forward and the river weir is completed.

Doug Gerber stated staff would prefer either Option 2 or 3 and there have not been any recent discussions regarding operations of the park between Shawnee County and the City.

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

Brenda Younger, City Clerk, provided an overview of the February 21, 2017 Governing Body agenda.

Doug Gerber, Interim City Manager, commented on the CIP Bus Tour that occurred on February 11, 2017, and thanked the Topeka Metropolitan Transit Authority for providing the transportation. He announced a public outreach opportunity concerning the City's 2018 Budget would occur at the First Friday Artwalk event on March 3, 2017; and invited the public to a Meet and Greet to introduce the top three Topeka Fire Chief candidates on February 22, 2017 from

6:00 p.m. to 8:00 p.m. at the Jayhawk Gallery located at 720 SW Jackson Street. He announced Nickie Lee as the new Financial Services Director.

Councilmember Ortiz requested the City educate the public on the prevention of stolen vehicles.

Councilmember Schwartz thanked City staff for providing the CIP Bus Tour on February 11, 2017, and stated she is pleased with the overall work of staff.

Councilmember Coen reported on a sidewalk compliance issue in his neighborhood. He requested staff consider drafting a policy to prevent this type of problem from occurring in the future.

Doug Gerber stated staff is investigating the incident and would provide a report to the Governing Body on February 15, 2017.

Councilmember Hiller expressed her appreciation to City staff for the CIP Bus Tour on February 11, 2017; beginning preparations for discussion on the City's 2018 Operating and CIP Budgets; review of dangerous dog issues and providing great information on the City's website regarding special events. She commended the local Planting Peace Program for their efforts in the community.

Mayor Wolgast announced February 14<sup>th</sup> marks the anniversary of incorporating the City of Topeka.

Jordan Bond, Girl Scout Troop #4306 appeared to speak under public comment.

Councilmember Emerson moved to recess into executive session for a time period not to exceed 15 minutes to discuss potential litigation. To assist the Governing Body, the following individuals were requested to attend: Interim City Manager, City Attorney and staff, Finance



Director, Human Resource Director and staff. The motion seconded by Councilmember Schwartz carried. Councilmember Hiller left the room. (8-0-0)

Councilmember Hiller entered the room.

At 8:08 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Ortiz left the room.

Councilmember Emerson moved to recess into executive session for a time period not to exceed five minutes to continue discussion of potential litigation. To assist the Governing Body, the following individuals were requested to attend: Interim City Manager, City Attorney and staff, Finance Director, Human Resource Director and staff. The motion seconded by Councilmember Jensen carried unanimously. (8-0-0)

At 8:15 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 potential litigation. To assist the Governing Body in discussion the following individuals were requested to attend: Interim City Manager, City Attorney and staff, Finance Director and Public Works Director. The motion seconded by Councilmember Coen carried unanimously. (8-0-0)

At 8:35 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 8:35 p.m.

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Brenda Younger  
City Clerk