

Governing Body Minutes – March 14, 2017

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 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 and De La Isla, -5. Mayor Larry E. Wolgast presided -1. Absent: Councilmembers Jensen, Schwartz, Coen and Harmon -4.

AFTER THE MEETING was called to order, Reverend Lynn Lamberty, Highland Park United Methodist Church, gave the invocation.

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

PRESENTATION on the new Topeka Fire Department Mobile Data Terminals was presented by Richard Sigle, Interim Fire Chief.

Mayor Wolgast requested to defer Agenda Item 4B, a board appointment for Doria Watson to the April 4, 2017 Governing Body agenda.

Upon hearing no objections, Mayor Wolgast announced the board appointment would be placed on the April 4, 2017 Governing Body agenda.

BOARD APPOINTMENT recommending the appointment of Marc White to the Board of Mechanical Examiners for a term ending March 15, 2019, was presented.

Councilmember De La Isla moved to approve the appointment as amended. The motion seconded by Councilmember Emerson carried unanimously. (5-0-0)

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8864 introduced by Councilmember Karen Hiller, approving a special event known as Topeka Civic Theater's Art of Murder to be held on June 17, 2017, was presented.

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

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

<u>Business Name</u>	<u>Address</u>
Bob's Carwash	2733 SE California Avenue
Bob's Carwash	3158 SE 6 th Avenue
Boulevard Billiards	4700 SW Topeka Boulevard
California BP	2740 SE California Avenue
Glazed Goose	5630 SW 29 th Street
Haag's Express	1001 SW Wanamaker Road
Holiday Square Phillips	2901 SW Topeka Boulevard
Hooters	6100 SW 10 th Avenue
Jeremiah Bullfrogs	2940 SW Wanamaker Road
Kicks 66	3300 SW Gage Boulevard
Kwik Shop #705	114 NW Topeka Boulevard
Kwik Shop #713	5700 SW 21 st Street
Kwik Shop #720	102 SE 37 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
Oscar's	1424 SW Lane Street
Skinny's	4016 SW Huntoon Street
Speck's Bar & Grill	2105 SW Mission
The Spot Tavern	2202 SW Buchanan Street
Topeka Country Club	2700 SW Buchanan Street

Councilmember Hiller moved to approve the consent agenda. The motion seconded by Councilmember Clear carried unanimously. (6-0-0)

RESOLUTION NO. 8865 introduced by Interim City Manager Doug Gerber, proposing the establishment of the Topeka Tourism Business Improvement District for the promotion of tourism ("TTBID") was presented.

Doug Gerber, Interim City Manager, reported approval would announce the intent of the Governing Body to establish the district and set a public hearing date of May 9, 2017, for the purpose of gathering public input.

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

Kayla Bitler, Topeka Lodging Association, spoke in support of the TBID.

The motion to approve the resolution carried unanimously. (6-0-0)

A RESOLUTION introduced by Interim City Manager Doug Gerber, establishing a date for a public hearing concerning the continuation of the 2013-2017 Neighborhood Revitalization Plan for an additional year was presented.

Bill Fiander, Planning Department Director, reported approval would set a public hearing date of April 4, 2017, to consider extending the Neighborhood Revitalization Program until December 31, 2018 and gather public input. He noted the current NRP is set to expire December 31, 2017, and the NRP boundary is based on the Topeka Neighborhood Health Map which expires December 31, 2018.

Mayor Wolgast reported the City gives the greatest incentives to the “intensive care” areas; however, developers have the choice to develop wherever they choose in the city.

Councilmember Ortiz questioned why the Governing Body was considering the NRP now instead of October as they have in past years. She expressed concern with the need to clarify the process in regards to requirements of the health map and neighborhood scores.

Bill Fiander reported review of the NRP is lengthy and historically finalizes in October. He stated the request to sync the NRP with the Neighborhood Health Map was intended to provide the information needed so the Governing Body could make data driven policy decisions.

Councilmember Ortiz expressed concern with the change in the Belmont Neighborhood health status. She requested the resolution be referred to the Economic and Community

Development Committee for additional review and allow staff an opportunity to provide a clear understanding of the changes made to the health map.

Councilmember Ortiz moved to refer the resolution to the Economic and Community Development Committee. The motion was seconded by Councilmember Clear.

Doug Gerber, Interim City Manager, spoke in support of moving forward and conducting the public hearing on April 4, 2017 to gather input from citizens.

Councilmember Hiller spoke in support of moving forward with the public hearing and extending the NRP until December 2018. She stated this would allow additional time to review the process in committee and address the need to increase marketing of the program; strategize with local organizations to provide better information on improvements the program offers to neighborhoods; and study the maps at length as they provide vital information about neighborhoods and how they relate to the NRP.

Joann Peavler spoke in support of referring the review of the NRP to a committee that would include community stakeholders. She expressed concern with the change in neighborhood health status of the Belmont Neighborhood and asked the Governing Body to delay action on the item.

Bill Fiander reported only part of the Belmont neighborhood was considered “intensive care” and because neighborhoods are considered as a whole the neighborhood was removed.

Councilmember Hiller asked if staff would support review of the NRP by an outside committee, and if so, staff may consider including interested groups such as the Community Advisory Council (CAC) as well as developers to help review the process and map.

Bill Fiander stated a plan by committee would be a fair approach to an already extensive process that includes a series of public hearings with other taxing entities to gather input and market the program.

Councilmember Clear spoke in support of moving forward with the public hearing at this time as it provides an opportunity to gather public input.

The motion to refer the resolution to the Economic and Community Development Committee failed. Councilmembers Hiller, Clear and De La Isla voted “no.” (3-3-0)

Councilmember Hiller encouraged staff to inform the public of the April 4, 2017 public hearing to increase participation.

Councilmember Emerson suggested moving the public hearing date to May to allow more time to notify the public.

Doug Gerber reported there would be no issue with conducting the public hearing in May.

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

Councilmember Emerson moved to amend the resolution to reflect a public hearing date of April 18, 2017. The motion seconded by Councilmember Clear failed. Councilmember Ortiz voted “no.” (5-1-0)

Councilmember Clear moved to defer the resolution until March 21, 2017. The motion seconded by Councilmember Emerson failed. Councilmember Ortiz voted “no.” (5-1-0)

The motion to approve the resolution failed. Councilmember Ortiz voted “no.” (5-1-0)

DISCUSSION of the proposed 2018-2027 Capital Improvement Plan (CIP) and 2018-2020 Capital Improvement Budget (CIB) was presented.

Doug Gerber, Interim City Manager, stated discussion would continue on the CIP from the March 7, 2017 Governing Body meeting and would focus on utility projects.

Councilmember Coen entered the room.

Nickie Lee, Administrative and Financial Services Director, announced the entire CIP book could be viewed on the City's website. She provided an overview of the CIP process; funding sources; types of projects; debt overview and the next steps in the CIP process.

Bob Sample, Interim Utilities Director, provided an overview of the processes used to purify drinking water and manage storm water. He highlighted the following projects:

- Wastewater Lining and Replacement
- Grant/Jefferson Wastewater Pump Station Rehab
- Storm Conveyance System Rehab Program
- Water Main Replacement Program
- East High Service Pumping Motor Control and Electrical Switch Gear
- West Elevated Water Tank on Indian Hills Road

Discussion continued on the funded and unfunded projects and how assumptions of proposed rate increases could affect overall project funding.

Councilmember Hiller asked how Governing Body members should proceed with staff in regards to answering specific questions on projects. She questioned how staff will proceed with project plans in regards to assessing if a project is still needed and if the funding is available before a project is started.

Doug Geber requested Governing Body members submit questions to Nickie Lee and she would distribute answers to the Governing Body as a whole. He reported staff will evaluate current needs as well as available funding before moving forward with any projects included in the CIP.

DISCUSSION concerning the Transient Guest Tax Development Agreement with the Downtown Topeka Foundation, a not-for-profit corporation, in relation to the Downtown Plaza project was presented.

Mary Feighny, Deputy City Attorney, stated approval would allow for the distribution of Transient Guest Tax (TGT) funding in the total amount of \$3,450,000 in accordance with the terms of the Development Agreement over the course of the next 12 years.

Vince Frye, DTI President and CEO, provided a brief overview of the process used for the Downtown Plaza site selection which included conducting a community survey that generated input from over 2,300 citizens. He stated the funds received from the TBID would be used to build and operate the Downtown Plaza.

Councilmember Clear questioned how many people the plaza would accommodate.

Councilmember Hiller asked if the Governing Body would be provided an opportunity to view the plan prior to construction and if the Downtown Topeka Foundation plans to raise the additional funds needed to complete the project totaling \$8.6 million.

Vince Frye reported the plaza could host approximately 1,000 people; the Governing Body would receive quarterly updates on the project status; and any additional funding needed to complete the project would be raised by the Downtown Topeka Foundation.

Mayor Wolgast noted the additional funding could potentially be generated through TBID funds.

Councilmember Coen asked if 7th Street would be permanently blocked when the Downtown Plaza was completed.

Doug Gerber reported 7th Street would remain open at this time; however, if needed in the future, permanent closure of the street may be considered as a long-term option.

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

Brenda Younger, City Clerk, gave a brief overview of the March 21, 2017 Governing Body agenda.

Doug Gerber, Interim City Manager, announced the City's Finance Department received the Popular Annual Finance Reporting (PAFR) Award and the Distinguished Budget Award from the Government Finance Officers Association. He reported the City provided fire and emergency management assistance to the City of Hutchinson to help with recent grass fires.

Councilmember Emerson congratulated the Shawnee Heights High School Boys Basketball team for winning the 2017 5A State Championship title.

Councilmember De La Isla invited the public to attend a press conference regarding diversity and inclusion in corporate business on March 21, 2017, at Westar Energy; and invited chief executive officers to an event hosting discussion on diversity and inclusion in the workplace on March 27, 2017, at the Westar Amphitheater from 3:00 p.m. to 5:30 p.m.

Councilmember Hiller commended Councilmember De La Isla for her efforts in the upcoming Diversity and Inclusion event. She congratulated Linda Jeffrey on being honored as the 2017 ABWA Woman of Distinction.

Councilmember Clear announced the Boys and Girls Clubs of Topeka would host the 2017 Great Futures Gala on March 28, 2017, at the Ramada Inn Downtown.

Councilmember Ortiz announced Topeka Metro is hosting the 5th Annual Spring Fling/Families Ride Free campaign on all fixed routes from March 17-25, 2017.

JoAnn Peavler appeared to speak under public comment.

Councilmember Coen moved to recess into executive session for a time period not to exceed ten minutes to discuss attorney-client privileged matters relating to potential litigation. To aid the Governing Body in discussion, the following individuals were requested to be present:

Interim City Manager, Finance Director, Deputy City Attorney and staff. The motion seconded by Councilmember Clear carried unanimously. (7-0-0)

At 8:26 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Coen moved to recess into executive session for a time period not to exceed ten minutes to discuss non-elected personnel matters. To aid the Governing Body in discussion, the following individuals were requested to attend: Interim City Manager, Deputy City Attorney and Finance Director. The motion seconded by Councilmember Clear carried unanimously. (7-0-0)

At 8:37 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 ten minutes to continue discussion relating to non-elected personnel matters. To aid the Governing Body in discussion, the following individuals were requested to attend: Interim City Manager, Deputy City Attorney and Finance Director. The motion seconded by Councilmember Clear carried unanimously. (7-0-0)

At 8:46 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 8:46 p.m.

Brenda Younger
City Clerk