

Governing Body Minutes – April 18, 2017

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 18, 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, Coen and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Councilmember De La Isla gave the invocation.

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

A PRESENTATION on the 2017 Grosvenor Teacher Fellowship (GTF) Program sponsored by National Geographic Education and Lindbald Expeditions was presented by Racheal Rost, Topeka Zoo and Conservation Center Education Specialist.

Councilmember Coen requested to add a resolution to the consent agenda granting Visit Topeka Inc., a noise exception for the Cyclovia Crestview Event on April 30, 2017.

Upon hearing no objections, Mayor Wolgast announced the resolution would be added to the consent agenda as item 4I.

THE CONSENT AGENDA was presented as follows:

APPROVAL of a Workers' Compensation Settlement for Mitchell White, Water Meter Services, in the amount of \$14,790.60 for injuries suffered on February 4, 2015, was presented.

RESOLUTION NO. 8883 introduced by Councilmember Karen Hiller, approving a special event known as Tap That Topeka: A Capitol Brew Festival to be held on June 24, 2017 and rescinding Resolution No. 8862 was presented.

RESOLUTION NO. 8884 introduced by Councilmember Karen Hiller, approving a special event known as the Leukemia and Lymphoma Society Benefit Show in Memory of Blake Cazier, was presented.

RESOLUTION NO. 8885 introduced by Councilmember Karen Hiller, granting Visit Topeka an exception to the provisions of City of Topeka Code Section 9.45.150 concerning noise prohibitions, was presented.

RESOLUTION NO. 8886 introduced by Councilmember Karen Hiller granting The Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

ORDINANCE NO. 20059 introduced by Interim City Manager Doug Gerber, allowing and approving City expenditures for the period of March 4, 2017, through March 31, 2017 and enumerating said expenditures therein was presented.

MINUTES of the regular meeting of April 11, 2017, was presented.

APPROVAL of a Cereal Malt Beverage License application was presented for Casey's #3580 located at 6741 SW 21st Street.

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

<u>Business Name</u>	<u>Address</u>
Break Room	911 S Kansas Avenue
Kickstart Saloon	2521 N Kansas Avenue
KNJ's L.L.C.	1909 NE Seward Avenue
Topeka Hookah House	1507 SW 21 st Street

RESOLUTION NO. 8887 introduced by Councilmember Jeff Coen, granting Visit Topeka an exception to the provisions of City of Topeka Code Section 9.45.150 concerning noise prohibitions was presented.

Councilmember De La Isla moved to approve the consent agenda as amended. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)

ORDINANCE NO. 20060 introduced by Interim City Manager Doug Gerber, authorizing initiation of condemnation proceedings to acquire a temporary easement and permanent easements for a sanitary sewer pump station (Improvement Project No. T-291011.00) was presented.

Doug Gerber, Interim City Manager, reported approval would authorize the City to initiate condemnation proceedings in Shawnee County District Court to secure temporary and permanent easements for construction of a sanitary sewer pump station at NW Williams and NW Eugene Streets.

Councilmember Emerson moved to adopt the ordinance. The motion seconded by Councilmember Clear carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Schwartz, Coen, Harmon and Mayor Wolgast -10.

ORDINANCE NO. 20061 introduced by Interim City Manager Doug Gerber, amending the “District Map” referred to and made a part of the Zoning Ordinances by Seciton 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 1903 and 1911 NW Lower Silver Lake Road combined with property to the west from “R-1 Single Family Dwelling District” and “I-1 Light Industrial District” ALL TO “PUD Planned Unit Development District (Light Industrial Uses)” was presented. (PUD 17/1)

Bill Fiander, Planning Department Director, stated approval would allow a building expansion of the existing vending business for the storage of products and equipment.

Councilmember Clear moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Schwartz, Coen, Harmon and Mayor Wolgast -10.

ORDINANCE NO. 20062 introduced by Interim City Manager Doug Gerber, concerning Topeka zoning regulations, specifically the conversion of existing C-5 zoning to D-1 zoning, amending and repealing sections of Topeka Municipal Code Title 18 was presented. (ACZR17/01)

Doug Gerber, Interim City Manager, stated the proposed amendments were discussed at the March 21, 2017, Governing Body meeting resulting in some additional language amendments which are included in the proposed ordinance for consideration.

Bill Fiander, Planning Department Director, reported the proposed amendments to the zoning regulations are being presented as part of the bi-annual review which includes many suggestions received from the public and development community to make the zoning code more user-friendly, modern and relevant to today's needs and better aligned with goals of the Land Use and Growth Management Plan to encourage mixed use, infill development and great aesthetic quality.

Vince Frye, Downtown Topeka Inc. President, spoke in support of the ordinance.

Councilmember Jensen moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Schwartz, Coen, Harmon and Mayor Wolgast -10.

A RESOLUTION introduced by Interim City Manager Doug Gerber, regarding the use of excess countywide retailers' sales tax that was in effect from January 1, 2005 to December 31, 2016, was presented.

Councilmember Schwartz stated she would like to defer the resolution until the May 2, 2017 Governing Body meeting for the purpose of obtaining a legal opinion regarding the use of the funds and if funds could be spent on items not listed within the language of the ballot question.

Councilmembers Ortiz spoke in support of deferring the resolution until final project numbers have been determined.

Councilmember Schwartz moved to defer the resolution until the May 2, 2017. The motion was seconded by Councilmember Jensen.

Doug Gerber, Interim City Manager, stated it has been estimated that when the last project has been completed approximately \$10 million would be available in excess funds.

Jason Peek, Public Works Department Director, stated the last project on SW 21st Street between SW Indian Hills and SW Urish Road would be finalized by the end of the week with final expenses anticipated in May.

Councilmember Emerson suggested deferring the resolution until May 16, 2017 to allow staff sufficient time to obtain a legal opinion and reconcile final project costs.

Mayor Wolgast encouraged the allocation of funds as soon as possible so street projects could begin as early as possible during the construction season.

Councilmember De La Isla requested staff research if the \$500,000 allocated for housing funds could be categorized as economic development.

Councilmember Jensen requested staff provide different funding options for the \$500,000 if it is not considered economic development; however, if it is, he questions if the funds would need to be approved by the Joint Economic Development Organization (JEDO).

Following discussion, Governing Body consensus was to defer the resolution until May 16, 2017.

Carolyn Weinhold and Joseph Ledbetter spoke in support of using the funds for the repair of streets as outlined in the ballot language approved by voters.

The motion to defer the resolution until May 16, 2017 carried unanimously. (10-0-0)

RESOLUTION NO. 8888 introduced by Interim City Manager Doug Gerber, authorizing and adopting the 2018-2027 Capital Improvement Plan and the 2018-2020 Capital Improvement Budget and approving the project budgets attached was presented.

Doug Gerber, Interim City Manager, stated the resolution was deferred from the meeting of April 11, 2017. He reported the proposed language amendments have been included in the resolution for consideration and are reflected on lines 10-11; 34-35; 41-42; 61-62 and 73.

Councilmember Coen referenced projects listed in the CIP and questioned if the City was required to follow through with a project if it has been approved in a past CIP and CIB even if it falls lower and/or off the priority list in the next CIP; and if pavement management projects would be moved up on the priority list.

Doug Gerber stated it would depend if fiscal authority has been given to proceed on a project.

Nickie Lee, Finance Department Director, stated staff runs a quarterly report on all projects approved and determines which projects are ready to proceed.

Councilmember Hiller spoke in opposition of moving forward with projects if the City could not commit to cutting some projects out of the CIP to support the new Pavement Management Program.

Mayor Wolgast stated the CIP/CIB was a plan, goal and budget for the City for the next 10 years and as the budget process commences, dollar amounts would be determined available for each project.

Councilmember Jensen asked staff to clarify the funding source and schedule for the Pavement Management Program and the CIP and suggested presenting both programs in a uniform manner that would be clear to citizens in regards to what projects are scheduled and when they would be completed.

Doug Gerber reported the CIP and Pavement Management Program would work together in regards to funding with the challenge to find the additional \$2 million needed to help achieve the City's PCI goal of 60. He stated staff could create a hybrid approach for projects at all levels for clarification to constituents.

Councilmember De La Isla expressed the importance of reviewing projects annually and how they relate to current road conditions.

Councilmember Coen spoke in support of using the entire \$10 million in excess funds on road improvements.

Councilmember Schwartz moved to approve the resolution. The motion was seconded by Councilmember De La Isla.

Councilmember Schwartz stated she supports the Capital Improvement Plan and Budget as presented; however, she would abstain from voting on the resolution because she serves as the trustee of Kay McFarland's Estate a funding partner for Kay's Garden, a Topeka Zoo project.

Councilmember Hiller stated she concurs with Councilmembers Jensen and Coen. She noted if the City wants to move forward and not increase taxes in the long-term, then all facets of the budget have to be determined and extensive research should be done on feasible budget cuts. She stated there are projects she would like to discuss further with the Topeka Zoo and City Information Technology Department as well as she would like to see detailed information regarding future debt service.

Councilmember Emerson stated some of the proposed projects would increase the City's overall PCI; however, a plan and budget outlining program details would be presented at a later date.

Doug Gerber stated a list of potential funding options has been distributed with anticipation of determining the sources during the budget process.

Councilmembers Jensen and Hiller requested to view a list of proposed projects that could be funded by the Citywide Sales Tax if renewed in 2019, allowing the City to plan ahead for future budgets.

Councilmember Hiller stated she has proposed language amendments to be included in the resolution that would acknowledge projects could change over the course of the CIP.

Joseph Ledbetter spoke in support of the Governing Body approving each project as staff moves through the Capital Improvement Plan. He expressed concern with excess spending on design and consulting project fees.

Teresa Miller spoke in support of the Capital Improvement Plan and Budget.

The motion to approve the resolution carried. Councilmember Schwartz abstained. (9-0-1)

RESOLUTION NO. 8889 introduced by Interim City Manager Doug Gerber, 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, Interim City Manager, reported approval would authorize the issuance of revenue bonds for the water, water pollution and stormwater projects identified in the CIB.

Councilmember Jensen moved to approve the resolution. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

DISCUSSION concerning carrying of firearms in City-owned buildings was presented.

Doug Gerber, Interim City Manager, stated the discussion is to consider repealing the ineffective ban on firearms in City-owned buildings as set forth in City Code and other consequences of the 2016 amendments to the Personal and Family Protection Act (PFPA).

Catherine Walter, Senior Assistant City Attorney, provided an overview of the PFPA; the need to repeal Topeka Municipal Code Section 9.40.005 to comply with State law; and the need to consider potential policy issues by the Governing Body concerning firearms in City buildings.

Governing Body members inquired on the following:

- If there are plans to have only one public entrance at each facility.
- Address open-carry of firearms in City buildings.
- Address security lighting.
- Consideration been given to the volume of citizens visiting the buildings and if only a portion of the buildings could be considered secured public access areas.
- Consider utilizing police cadets, School Resource Officers (SROs) or light duty police officers in the buildings for security.

Doug Gerber stated he anticipates one public entrance on the east side of the Cyrus K. Holliday building and utilizing the west entrance as an emergency exit only and there is currently only one public entrance at City Hall.

Captain Bryan Wheelles, Topeka Police Department, stated lighting would be specific to each facility with general guidelines as outlined in the Crime Prevention Through Environmental Design (CPTED) plans for each department.

Catherine Walter stated open-carrying of firearms has been addressed through proper signage; however, conceal-carry could only be banned if adequate security measures are in place. She reported there could be specific areas within City buildings designated as public areas with appropriate security measures in place.

Doug Gerber stated if the consensus of the Governing Body is to ban conceal-carry in City buildings, staff could propose cost estimates to enhance security during the 2018 budget process. He noted staff has conducted research and they did not discover any other cities in Kansas that plan to implement conceal-carry security measures as most considered the costs to be substantially prohibitive.

Councilmember Jensen asked staff to research how other cities are handling visitors moving throughout municipal buildings in a controlled fashion as opposed to implementing full security measures and the costs associated with escorting guests to their destination as there is a need to consider the customer service aspect of increased security.

Councilmember Hiller spoke in opposition of security in public buildings and stated that she believes the current security that is in place as well as enhancing security is unnecessary.

Councilmember Clear asked if employees have been asked how they feel about security.

Councilmember Ortiz stated she believes all aspects of building security should be reviewed and enhanced as well as changes to the policy to include tightening security to keep employees safe.

Councilmember Coen noted the Governing Body needs to also consider employees permitted to conceal-carry firearms.

Doug Gerber stated most employees are in favor of enhancing security. He reported there would be a loss in productivity if employees are expected to escort guests around buildings and suggested a staff person be dedicated to this service if necessary.

Councilmember Schwartz spoke in support of enhanced security. She encouraged staff to establish a policy similar to the State of Kansas and noted people should have a purpose for visiting a City building.

Mayor Wolgast suggested a cost needs analysis on the different levels of security be presented before the Governing Body for consideration.

Councilmember Hiller stated she believes there are low budget items to consider enhancing present security such as increased employee training on how to address disgruntled persons.

Councilmember Harmon left the meeting.

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

Doug Gerber, Interim City Manager, announced the triennial International African Painted Dog Conference would be held April 18-20, 2017 at the Downtown Ramada Inn and would include individuals from across the United States, Europe and Africa to discuss the conservation needs for African Painted Dogs. He also announced the 450th TOTO (Topeka Opportunity To Own) Home Purchase Celebration on April 19, 2017 from 3:00 p.m. to 4:30 p.m. at the Cyrus K. Holliday building; and Coffee on Your Corner on April 19, 2017 at 10:00 a.m. at Annie's Place and would feature Municipal Administrative Judge Jason Geier discussing Clean Slate Day 2017.

Mayor Wolgast expressed concern with St. Francis Hospital closing by mid-summer if a new owner is not found. He hopes the State of Kansas, Shawnee County and others can continue to work closely to keep St. Francis Hospital within the community and provide quality healthcare to people.

Councilmember De La Isla thanked the City, Shawnee County and State of Kansas officials for working hard and coming together to help find a solution for the St. Francis Hospital. She commended Mars Inc. and Walgreens for their participation and contributions to Red Nose Day, held May 20-21, 2017 in support of the Ronald McDonald House Charities.

Councilmember Jensen commended government officials for working together to help find a solution for St. Francis Hospital.

Councilmember Schwartz commended Aly Van Dyke, Media Relations Director, for her service to Topeka. She stated the Topeka Zoo is hosting many great events in the coming months and encouraged the community to participate.

Councilmember Coen thanked Visit Topeka for hosting the Cyclovia Crestview event on April 30, 2017.

Councilmember Hiller commended City staff for the CIP process and changes to the zoning code. She requested information be provided on the process of renaming a street and/or bridge.

Councilmember Ortiz commented on "The Power of Placemaking" by Austin Good in the April 2017 edition of Kansas Government Journal regarding Topeka's downtown area.

Councilmember Emerson thanked Sasha Haehn for creating innovative ways to address some blighted properties. He announced Highland Park High School would celebrate their 100th Year Anniversary at Arts at the Park on April 22, 2017, from 12:00 p.m. to 7:00 p.m.

Teresa Miller appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:25 p.m.

Brenda Younger
City Clerk