

Governing Body Minutes – June 13, 2017

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 13, 2017. The Governing Body members of the City of Topeka met in session at 6:00 P.M., with the following Councilmembers present: Hiller, Clear, Emerson, Jensen, Schwartz and Harmon -6. Mayor Larry E. Wolgast presided -1. Absent: Councilmembers Ortiz, De La Isla and Coen -3.

AFTER THE MEETING was called to order, Pastor Carl Frazier, Southwest Baptist Church, gave the invocation.

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

Councilmember Ortiz entered the room.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8920 introduced by Councilmember Karen Hiller, granting Visit Topeka, Inc., an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8921 introduced by Councilmember Karen Hiller, granting Forge an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

ORDINANCE NO. 20068 introduced by Interim City Manager Doug Gerber, allowing and approving City expenditures for the period of April 29, 2017, through May 26, 2017, and enumerating said expenditures therein was presented.

MINUTES of the regular meeting of June 6, 2017 was presented.

APPROVAL of the following Cereal Malt Beverage License applications was presented:

<u>Business Name</u>	<u>Address</u>
Kwik Shop #705	1114 NW Topeka Boulevard
Kwik Shop #713	5700 SW 21 st Street
Kwik Shop #720	102 SW 37 th Street

<u>Business Name</u>	<u>Address</u>
Kwik Shop #757	2619 SW 21 st Street
Kwik Shop #780	2526 SW 6 th Street
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
Walgreens #03069	1001 SW Topeka Boulevard
Walgreens #03772	2901 SE California Avenue
Walgreens #04557	2121 SW Fairlawn Road
Walgreens #04782	3696 SW Topeka Boulevard
Walgreens #04981	3630 SW Wanamaker Road
Walgreens #07778	1001 SW Gage Boulevard
Walgreens #15601	2101 NW Topeka Boulevard
Walgreens #16314	3900 SW 29 th Street

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

A PUBLIC HEARING and ORDINANCE NO. 20069 introduced by Interim City Manager Doug Gerber, authorizing the City of Topeka, Kansas, to issue Housing and Health Care Improvement and Refunding Revenue Bonds, Series 2017A1 (Brewster Place Project), Series 2017A2 (Brewster Place Project), Series 2017B1 (Brewster Place Project), Series 2017B2 (Brewster Place Project) AND Series 2017C (Brewster Place Project) in an aggregate principal amount not to exceed \$33,000,000 (collectively, the “Series 2017 Bonds”) for the purpose of financing the costs of constructing, renovating, equipping and improving certain residential and health care facilities located on the Brewster Place campus in the City; refunding the City’s outstanding Series 2013 Brewster Place Project Housing and Health Care Improvement Revenue Bonds and paying the costs thereof; authorizing the execution of a seventh supplemental indenture by and between the City and Corefirst Bank and Trust, Topeka, Kansas, as trustee; authorizing the execution of a seventh supplemental lease by and between the City and The Congregational Home, a Kansas not-for-profit corporation; and authorizing and approving

certain additional documents and actions in connection with the issuance of said bonds was presented.

Doug Gerber, Interim City Manager, reported approval would authorize the issuance of approximately \$33 million of bonds for the purpose of refunding a 2013 revenue bond issue and paying for the cost of certain improvements to the Brewster Place Campus Project with no liability, general obligation or budgetary impact to the City. He stated the Industrial Revenue Bond (IRB) Committee met on May 24, 2017, with the City's bond counsel as well as representatives from Brewster Place and recommends approval of the bond issuance.

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 Harmon moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. (8-0-0)

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

A PUBLIC HEARING and ORDINANCE NO. 20070 introduced by Interim City Manager Doug Gerber relating to the vacation of public right-of-way for an unbuilt segment of Western Avenue located between SW 23rd and SW 24th Streets in the City of Topeka, Shawnee County, Kansas was presented. (VI7S/01)

Bill Fiander, Planning Director, reported approval would vacate the street right-of-way along SW Western Avenue between SW 23rd Street and SW 24th Street, a portion of the street that has not been constructed. He stated staff recommended approval with the following conditions (1)

easements must be established for utilities and (2) the future construction of a sidewalk segment along SW 24th Street.

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 Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. (8-0-0)

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

APPROVAL of the 2018 Transient Guest Tax (TGT) allocations in the amount of \$3,427,789 was presented.

Councilmember Schwartz, TGT Committee Chair, reported the Committee met on May 17, 2017, and approved by a vote of 3-0-0 to recommend to the Governing Body approval of the 2018 allocations in the amount of \$3,424,789 with the following modifications:

1. Remove funding for the Riverfront Authority in the amount of \$50,000
2. Remove funding for maintenance of the downtown pocket parks in the amount of \$48,443

Councilmember Schwartz moved to approve the 2018 Transient Guest Tax allocations in the amount of \$3,427,789. The motion was seconded by Councilmember Clear.

Councilmember Jensen stated he would abstain from voting because he is a member of the Jayhawk Theater Board of Directors.

Councilmember De La Isla entered the room.

Nickie Lee, Finance Director, provided an overview of the TGT fund report.

Councilmember Ortiz asked if any new organizations applied for TGT funds.

Councilmember Schwartz reported 1% of the TGT funds allocated for the Great Overland Station including the Riverfront Park, and the Historic Preservation fund expired on December 31, 2015, and that 1% portion was approved by the Governing Body to be split between the Downtown Plaza, Evel Knievel, Jayhawk Theater and Constitution Hall projects. She stated because TGT funds are no longer being allocated for the Historic Preservation fund, no new applications are being accepted. She noted 5% of the funds will be distributed to Visit Topeka Inc., and the remaining 1% will be distributed to Sunflower Soccer.

Mayor Wolgast reported other organizations could apply for funding through Visit Topeka, Inc.

The motion to approve the 2018 Transient Guest Tax allocations in the amount of \$3,427,789 carried. Councilmember Jensen abstained. (8-0-1)

APPROVAL of the 2018 Social Services and Contracted Services allocations in the amount of \$618,246 was presented.

Councilmember Clear, Economic and Community Development Committee Chair, reported the Committee met on May 15, 2017, and approved by a vote of 3-0-0 to recommend to the Governing Body approval of the 2018 Social Services and Contracted Services allocations totaling \$618,246 (\$211,233 for Contracted Services; \$351,985 for Social Services-Prevention & Counseling; and \$55,028 for Social Services-Emergency Aid). She stated training was provided to applicants and agencies with funding allocated to organizations scoring 88 or higher and demonstrating the necessity of the program and how the funds would be spent.

Councilmember Clear moved to approve the 2018 Social Services and Contracted Services allocations in the amount of \$618,246. The motion was seconded by Councilmember De La Isla.

Councilmember De La Isla commended the Committee for their work and the difficult decisions that must be made and encouraged the Governing Body to allow the committee process to work. She expressed the importance of the Governing Body establishing priorities in regards to social services and how they relate to the betterment of the community. She suggested a Governing Body retreat be scheduled for this purpose.

Councilmember Jensen commended Committee members for making the difficult decisions while understanding that all organizations are important to the community. He spoke in support of scheduling a Governing Body retreat to review what organizations are funded in the community and how it relates to the priorities set by the Governing Body.

Councilmember Ortiz expressed concern with these types of funding cuts and the effect it will have on the community as a whole.

Councilmember Hiller commended Committee members for their hard work and supports scheduling a Governing Body retreat to establish priorities so they can lay the framework for 2019 grants recommendations.

Mayor Wolgast expressed concern with the funding cuts and questioned if this is the direction the City wants to move towards in the future in regards to supporting quality of life in the city of Topeka.

Councilmember Schwartz stated she would abstain from voting because she is a member of the Kansas Children's Service League Board of Directors. She commended the Committee for treating all organizations fairly and spoke in support of the recommendations.

Councilmember Clear commended the City for allocating nearly \$500,000 to social services and holding agencies to a high standard by requiring them to outline priorities and measurable outcomes.

Councilmember De La Isla stated all organizations are important and suggested creating a taskforce for matching grants to create larger pools of funds. She commented on developing private-public partnerships and the need to determine how to apply the priorities set by the Governing Body.

The motion to approve the 2018 Social Services and Contracted Services allocations in the amount of \$618,246 carried. Councilmember Ortiz voted “no.” Councilmember Schwartz abstained. (7-1-1)

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

Doug Gerber, Interim City Manager, announced a budget meeting would be held on June 14, 2017, at the Law Enforcement Center; the Topeka Police Department invites the community to join officers for Coffee With A Cop on June 24, 2017, at the McDonald’s located at 2880 SE California Avenue between 5:30 p.m. and 7:30 p.m.; and Campout With Dad is scheduled for June 17-18, 2017, at the Topeka Zoo. He encouraged citizens to participate in the City’s downtown parking survey available on the City’s website at www.topeka.org.

Councilmember Schwartz requested a Governing Body Retreat be scheduled and include department directors to develop City priorities.

Councilmember Hiller submitted a travel report pursuant to Resolution No. 6795. She attended the UNESCO World Heritage Convocation in Atlanta, Georgia, on April 20-22, 2017, relating to designation for tourism in the world. She reported the National Civil Rights movement is considering including the Sumner and Monroe Schools in the World Heritage designation.

Councilmember Clear announced Topeka was highlighted in Relative Race, a reality TV show.

Councilmember Ortiz commended Jocelyn Lyons for 40 years of service as the Jayhawk Area Agency on Aging Executive Director.

Jocelyn Lyons thanked the City for the funding allocations over the years. She stated she is proud of the accomplishments made by the agency and plans to continue her advocacy work. She introduced Susan Harris, the new Executive Director for Jayhawk Area Agency on Aging.

Joseph Ledbetter appeared to speak under public comment.

Councilmember Harmon moved to recess into executive session for a period of 10 minutes for consultation with the City's legal counsel to discuss pending tort claims as justified by K.S.A. 75-4319(b)(2). In order to aid the discussion, the following persons would be present:

Governing Body members, Interim City Manager Doug Gerber, Associate City Attorney Nick Jefferson, City Attorney Lisa Robertson and Finance Director Nickie Lee. The motion seconded by Councilmember Emerson carried unanimously. (9-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:16 p.m.

Brenda Younger
City Clerk