

Governing Body Minutes – July 11, 2017

LAW ENFORCEMENT CENTER, Topeka, Kansas, Tuesday, July 11, 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, Ortiz, Emerson, De La Isla, Jensen, Coen and Harmon - 8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Schwartz -1.

AFTER THE MEETING was called to order, Jim Coen gave the invocation.

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

Doug Gerber, Interim City Manager, announced the location of the Governing Body meeting was changed to the Law Enforcement Center due to issues related to the air conditioning system in the Council Chambers (Municipal Building - 214 SE 8th Street).

A PRESENTATION on “Clean Slate Day” was presented by Jason Geier, Administrative Court Judge.

BOARD APPOINTMENT recommending the appointment of TaZaras Isom to the Topeka Human Relations Commission to fill an unexpired term and a full term expiring January 1, 2020, was presented.

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8926 introduced by Councilmember Karen Hiller, approving a special event known as the Kansas Mariachi Festival was presented.

RESOLUTION NO. 8927 introduced by Councilmember Karen Hiller, granting Visit Topeka Inc., an exception to the provisions of City of Topeka Code Section 9.45.150 concerning noise prohibitions was presented.

RESOLUTION NO. 8928 introduced by Councilmember Jeff Coen, granting Happy Basset Brewing an exception to the provisions of City of Topeka Code Section 9.45.150 concerning noise prohibitions was presented.

MINUTES of the regular meeting of June 20, 2017, and Special Meeting of June 26, 2017, was presented.

Councilmember Emerson moved to approve the consent agenda. The motion seconded by Councilmember Coen carried unanimously. (9-0-0)

ORDINANCE NO. 20073 introduced by Interim City Manager Doug Gerber, concerning seat belt fines, amending City of Topeka Code Section 10.15.020 and repealing original section and creating Section 10.20.020 was presented.

Doug Gerber, Interim City Manager, reported approval would increase the seat belt fine from \$10 to \$30 as mandated by State law effective July 1, 2017, with the additional \$20 to be allocated to the State.

Councilmember Jensen moved to adopt the ordinance. The motion seconded by Councilmember Clear carried. Councilmember Coen voted “no.” (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Harmon and Mayor Wolgast -8. Noes: Coen -1.

ORDINANCE NO. 20074 introduced by Interim City Manager Doug Gerber, concerning service fee levied in Topeka Tourism Business Improvement Districts, creating Topeka Municipal Code Section 3.65.035 was presented.

Doug Gerber, Interim City Manager, reported approval would impose a \$1 service fee per paid occupied room, per night, on all hotels located in city limits to be used for services within the Topeka Tourism Business Improvement District (TTBID) starting on January 1, 2018.

Lisa Robertson, City Attorney, reported no protest petitions were filed by business owners.

Councilmembers De La Isla and Jensen expressed their appreciation in creating a private/public partnership to fund the downtown plaza.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Hiller carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Coen, Harmon and Mayor Wolgast -9.

RESOLUTION NO. 8929 introduced by Interim City Manager Doug Gerber, approving the distribution of the third quarterly payment to the Topeka Performing Arts Center, Inc. (TPAC) was presented.

Doug Gerber, Interim City Manager, reported approval would authorize the third quarter payment to TPAC in the amount of \$67,500 as outlined in the agreement.

Nickie Lee, Finance Director, referenced the progress report submitted by TPAC and noted fund raising efforts have increased as well as they have progressed in hiring a business manager. She stated staff recommends approval of the payment based on TPAC's progression in reaching their goals as required by the agreement.

Councilmember Hiller moved to approve the resolution. The motion seconded by Councilmember Jensen carried. Councilmember Coen voted "no." (8-1-0)

APPROVAL of a Real Estate Report and method of disposal for real property located at 1116 and 1126 NW Van Buren was presented. (*City of Topeka Contract No. 46131*)

Sasha Haehn, Director of Neighborhood Relations, reported approval would authorize the sale of surplus property to Cornerstone of Topeka for two new single family affordable rental units that will meet federal affordability requirements for a period of twenty years. She noted all

City departments have indicated they have no interest in the property and it has been declared surplus property.

Councilmember Clear moved to approve the real estate report and method of disposal for real property. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

ESTABLISHING a public hearing date of August 8, 2017, for the purpose of hearing and answering objections of taxpayers relating to the proposed City of Topeka 2018 Operating Budget; setting the maximum expenditure limits; and authorize the publication of the public hearing notice in the Topeka Metro Newspaper was presented.

Doug Gerber, Interim City Manager, stated approval would establish a public hearing date on August 8, 2017 for the 2018 City of Topeka Operating Budget; set the maximum expenditure limits; and authorize publication of the Notice of Public Hearing on July 17, 2017 in the Topeka Metro Newspaper. He provided the following budget summary overview:

- The following adjustment was made to the General Fund to accommodate approved budget amendments:
 - ✓ \$20,000 for Arts funding, bringing the total commitment to \$30,000.
- The following adjustments were made to the General Fund to present a balanced budget:
 - ✓ \$248,776 in reductions to the property tax estimate based on valuation estimates from Shawnee County;
 - ✓ \$102,092 in reductions to fuel;
 - ✓ Increasing vacancy credits by an additional \$89,726;
 - ✓ Shifting \$50,000 in pavement management funding to the Motor Fuel Fund; and
 - ✓ Reducing the Topeka Way to Work program by \$20,000, leaving a budget of \$30,000.

Councilmember Ortiz spoke in opposition of reducing funds for the Topeka Way to Work (TWTW) Program. She requested the “income based” program guideline be eliminated as well as a complete review of all program guidelines for the purpose of enhancing the program to better fit community needs.

Councilmember Clear spoke in support of the TWTW program and noted \$30,000 provides

sufficient funding for the City to maintain the program.

Councilmember Jensen spoke in support of pursuing community partnerships to enhance the TWTW program now and in the future.

Councilmember De La Isla suggested the TWTW program expand and provide different employment activities to engage the community at a young age in conjunction with establishing public/private partnerships.

Doug Gerber reported staff would evaluate the TWTW program upon its completion and work to make it an effective program with the intent to use the \$30,000 as matching funds to leverage community partners.

Councilmember Hiller commended Governing Body members for supporting the enhancement of the TWTW program. She noted with the right partnerships the City could still play a vital role in the program while improving it significantly.

Councilmember Harmon moved to set a public hearing date of August 8, 2017 for the purpose of hearing and answering objections of taxpayers relating to the proposed City of Topeka 2018 Operating Budget; set the maximum expenditure limits; and authorizes the publication of the public hearing notice in the Topeka Metro Newspaper. The motion was seconded by Councilmember De La Isla.

Joseph Ledbetter asked the Governing Body to consider the following items in regards to the budget (1) overall productivity of City employees (2) install GPS systems in all City vehicles (3) address why the population is decreasing in the city (4) only authorize new hires in the Fire and Police Departments (5) reduce engineering design costs for street projects (6) and improve operational efficiencies by allowing private contractors to repair pot holes.

The motion to set a public hearing date of August 8, 2017 for the purpose of hearing and

answering objections of taxpayers relating to the proposed City of Topeka 2018 Operating Budget; set the maximum expenditure limits; and authorize the publication of the public hearing notice in the Topeka Metro Newspaper carried unanimously. (9-0-0)

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

Doug Gerber, Interim City Manager, asked Governing Body members to forward all comments and concerns regarding fireworks to the City Manager's Office.

Councilmember Coen reported he received a number of complaints regarding fireworks and would forward them to the City Manager.

Councilmember Hiller stated she received many comments from constituents about fireworks and would forward them to the City Manager as she believes it has become a public safety issue.

Councilmember Ortiz encouraged all vendors to participate in Fiesta fund raising efforts and encouraged the community to join in the Fiesta activities. She offered her condolences to the family of Frank Hoge.

Councilmember De La Isla encouraged the community to participate in the Fiesta. She thanked Heartland Park for bringing economic development to the area. She offered her condolences to the families of Marge Heeney, Lonnie Williams and Frank Hoge.

Councilmember Jensen offered his condolences to the family of Marge Heeney. He encouraged further discussion on fireworks and expressed his appreciation for the Evil Knevel Museum, a great tourist attraction for the area.

Mayor Wolgast announced the Topeka Zoo Camp Cowabunga ground breaking ceremony took place on July 6, 2017; the Seward Avenue Street opened on July 7, 2017; and the Water Tower Lighting ceremony took place on July 7, 2017.

Joseph Ledbetter appeared to speak under public comment.

Councilmember Jensen moved to recess into executive session for a period of 20 minutes to discuss a contractual matter involving attorney-client privilege communication. In order to aid the discussion, the following persons would be present: Governing Body members, Interim City Manager Doug Gerber, City Attorney Lisa Robertson, Finance Director Nickie Lee and Planning Director Bill Fiander. The motion seconded by Councilmember Coen carried unanimously. (9-0-0)

The Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Hiller moved to recess into executive session for an additional 10 minutes to discuss the same subject matter (*contractual matter involving attorney-client privilege communication*). In order to aid the discussion, the following persons would be present: Governing Body members, Interim City Manager Doug Gerber, City Attorney Lisa Robertson, Finance Director Nickie Lee and Planning Director Bill Fiander. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

The Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Ortiz moved to recess into executive session for a period of 15 minutes to discuss confidential employment matters pertaining to an employee as justified by K.S.A. 75-4319(b)(1) which allows discussion of personnel matters of non-elected personnel . In order to aid the discussion, the following persons would be present: Governing Body members and Human Resources Director Jacque Russell. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

The Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:30 p.m.

Brenda Younger
City Clerk