

Governing Body Minutes – July 18, 2017

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, July 18, 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, Schwartz, Coen and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Scott Perkins, Heritage Country Cowboy Church, gave the invocation.

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

A PRESENTATION on the Futures 2040 Plan was provided by Bill Fiander, Planning Department Director.

Councilmember Ortiz asked if the JEDO Board has discussed transportation options for the South Topeka workforce area.

Councilmember Hiller commended City staff members, the Federal Highway Administration, Kansas Department of Transportation, Shawnee County and the Topeka Metropolitan Transit Authority for partnering together to draft the Futures 2040 Plan. She asked how street widening projects are categorized in the plan.

Bill Fiander reported it was his understanding the appropriate agencies are currently discussing how to address transportation issues for the South Topeka workforce; and street widening projects usually consist of adding a center lane for the purpose of preservation and safety while street capacity projects typically add lane miles or travel lanes.

Mayor Wolgast announced the need to add two items to the agenda to address meeting protocol for the July 22, 2017, Special Meeting of the Governing Body.

Jennifer Goodrich, Assistant City Clerk, introduced the following two items to be added to the agenda for consideration relating to the July 22, 2017, Special meeting of the Governing Body:

1. SUSPENSION of Governing Body Rule 2.10 relating to Television Coverage of Governing Body meetings.
2. SUSPENSION of Governing Body Rule 2.5(b) requiring the City Manager attends all meetings of the Governing Body, unless excused.

Lisa Robertson, City Attorney, reported a Special meeting of the Governing Body would be held Saturday, July 22, 2017, related to the city manager recruitment and selection process and television coverage of Governing Body meetings is required pursuant to Governing Body Rules and Procedures 2.10. She stated City4 Staff will be present at the time the meeting is called to order (7:30 a.m.) after which the City Clerk will call the roll and the City Attorney will read the motion to go into executive session. However, it is Staff's understanding that no action will be taken when the Governing Body adjourns from executive session; therefore, it may be prudent for the Governing Body to consider suspending Rule 2.10 on July 22, 2017.

Councilmember Jensen moved to add an item to the Council agenda (Suspension of Governing Body Rule 2.10 relating to Television Coverage of Governing Body meetings for the July 22, 2017 Special meeting of the Governing Body). The motion seconded by Councilmember Schwartz carried unanimously. (10-0-0)

Lisa Robertson, City Attorney, reported Charter Ordinance A2-55(c) and Council Rule 2.5(b) require that the City Manager attend all meetings of the Governing Body unless excused. She stated the Governing Body may choose to excuse the Interim City Manager from attending the meeting as Mr. Gerber has been selected as one of the finalist.

Councilmember Jensen moved to add an item to the Council agenda (Suspension of Governing Body Rule 2.5(b) requiring the City Manager attends all meetings of the Governing

Body unless excused.) The motion seconded by Councilmember Schwartz carried unanimously.
(10-0-0)

Mayor Wolgast announced the items would be added to the Council agenda under Action Items as items 5G and 5H, respectively.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8930 introduced by Councilmember Karen Hiller, approving a special event known as the 2017 Capital City Jazz and Food Truck Festival was presented.

RESOLUTION NO. 8931 introduced by Interim City Manager Doug Gerber, granting various neighborhood organizations exceptions to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8932 introduced by Councilmember Jeff Coen, granting Specks Bar and Grill an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

ORDINANCE NO. 20075 introduced by Interim City Manager Doug Gerber, allowing and approving City expenditures for the period of May 27, 2017, through June 30, 2017, and enumerating said expenditures therein was presented.

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

Councilmember Jensen moved to approve the consent agenda. The motion seconded by Councilmember Clear carried unanimously. (10-0-0)

RESOLUTION NO. 8933 introduced by Interim City Manager Doug Gerber, relating to the lease purchase of Self Contained Breathing Apparatus for the Topeka Fire Department was presented. (Contract No. 46140)

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

ORDINANCE NO. 20076 introduced by Interim City Manager Doug Gerber, amending the “District Map” referred to and made a part of the Zoning Ordinance by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located southeast of the intersection of NW Topeka Boulevard and NW Menninger Road in the form of amendment to the Woodland Park at Soldier Creek Planned Unit Development Master Plan, and comprising Revision “H”, was presented. (Z69/44H)

Bill Fiander, Planning Department Director, reported approval would allow up to 38 single and/or two family dwelling units on private streets with a major subdivision plat.

Councilmember Clear 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 FINAL PLAT for Woodland Park at Soldier Creek Subdivision No. 3 on property located southeast of the intersection of NW Topeka Boulevard and NW Menninger Road was presented.

Councilmember Clear moved to approve the final plat. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)

AN ORDINANCE introduced by Interim City Manager Doug Gerber, concerning employees, the personnel code, departments created, and established positions; amending, repealing and renumbering several chapters in Title 2, Administration and Personnel of the Topeka Municipal Code was presented.

Doug Gerber, Interim City Manager, reported approval would establish the Utilities Department as well as clean up other code sections to improve consistency and clarify the Topeka Municipal Code. He requested the ordinance be referred to the Policy and Finance Committee for further review.

Councilmember Hiller requested an organizational chart be presented to the Governing Body consistent with the current ordinance as well as the proposed changes.

Councilmember Harmon moved to refer the ordinance to the Policy and Finance Committee. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

AN ORDINANCE introduced by Interim City Manager Doug Gerber, concerning the organization of utilities department, adding a new section and amending and repealing several original sections of Title 13, Utilities, of the Topeka Municipal Code was presented.

Councilmember Harmon moved to refer the ordinance to the Policy and Finance Committee. The motion seconded by Councilmember Clear carried unanimously. (10-0-0)

DISCUSSION and overview of the City of Topeka 2018 Consolidated Annual Action Plan; and ESTABLISHING a PUBLIC HEARING date of August 8, 2017, for the purpose of obtaining public input on the 2018 City of Topeka Consolidated Annual Action Plan was presented.

Sasha Haehn, Director of Neighborhood Relations, gave an overview of the 2018 Consolidated Annual Action Plan and stated it would be considered by the Governing Body on August 8, 2017 along with the 2018 City Operating Budget. She summarized City of Topeka Neighborhood objectives and partnerships, grant funds included in the Consolidated Action Plan and citizen involvement in the process.

Councilmember De La Isla moved to approve the public hearing date of August 8, 2017. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

SUSPENSION of Governing Body Rule 2.10 relating to television coverage of Governing Body meetings was presented.

Councilmember Harmon moved to suspend the Governing Body Rules and Procedures. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

Councilmember Jensen moved to suspend Governing Body Rule 2.10 requiring television coverage of the July 22, 2017 Special meeting of the Governing Body. The motion seconded by Councilmember Clear carried unanimously. (10-0-0)

SUSPENSION of Governing Body Rule 2.5(b) requiring the City Manager attend all meetings of the Governing Body unless excused, was presented.

Councilmember Emerson moved to excuse the City Manager from attending the July 22, 2017 Special meeting of the Governing Body. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

Mayor Wolgast reported after the meeting on July 22, 2017 there may be a need to schedule another Special meeting to finalize candidates the following week (July 24-28, 2017).

Councilmember Schwartz stated she would not be available on July 24, 2017.

Councilmember Harmon moved to reinstate the Governing Body Rules and Procedures. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

DISCUSSION related to an overview of the Wheatfield Village project at the northwest corner of SW 29th Street and SW Fairlawn Road was presented.

Robert C. Johnson, Polsinelli Law Firm and attorney for the developer, gave a brief overview of the Wheatfield Village redevelopment project. He reported the project would improve the

overall condition of the current site by bringing modern mixed-use development to the SW 29th Street and SW Fairlawn Road area; implement needed utility relocation and traffic improvements; and include residential apartments with a parking garage, hotel, restaurants, movie theater, and farmer's market area. He also reported the project would consist of approximately \$93 million investment (TIF investment - \$17.9 million, private investment - \$75.3 million) and noted the City would not assume any financial obligations or risk as a result of the redevelopment because the developer has agreed it would be a "pay-as-you-go" project and would be solely responsible for paying the project debt.

The following business owners highlighted their involvement in the development:

- Brock Bagby - B&B Theaters
- Fred Polzin - PT's Coffee
- Jay Ferguson - Ferguson Properties
- Louie Riederer - Johnny's Tavern

Jim Klausman, investor, stated he was committed to making the property a top destination for Topeka and an asset to the entire city.

Governing Body members inquired on the following:

1. The next steps in the development process and the timeline of the project and construction phase.
2. How many apartment units are being proposed and are they income-based.
3. How many rooms will the hotel accommodate and will the hotel include convention facilities.
4. How does the developer plan to address traffic issues at the intersection of SW 29th Street and SW Fairlawn Road.

In response, Robert C. Johnson reported the following:

- The notice of public hearing will be presented for consideration by the Governing Body on August 8, 2017 for the Tax Increment Finance District and Community Improvement District portion of the project. He stated the final proposal and public hearing would occur on September 12, 2017 along with consideration of the development agreement.
- Site preparation will begin immediately after the vote on September 12, 2017; the apartment complex would take approximately 18-24 months to complete and other

developments may take up to one year to complete as well as traffic improvements tied to the different phases.

- The apartment complex would be based on the market rate with approximately 178 units; however, the number of units would not be finalized until the construction stage; the hotel would include approximately 88 rooms and include limited service with no convention facilities.
- To address traffic issues, Transystems has been hired by the developer to write the Traffic Impact Analysis for Wheatfield Village which will define the improvements along SW 29th Street and SW Fairlawn Road. He noted some proposed traffic improvements surrounding the property as well as a traffic simulation could be presented at the September 12, 2017 Governing Body meeting.

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

Councilmember Coen announced the Grand Opening of Pedego Electric Bikes, 2828 SW Arrowhead Road on July 27, 2017.

Councilmember Hiller encouraged everyone to vote in the Primary Election on August 1, 2017. She commended all the volunteers and neighborhoods involved in the National Night Out events on August 5, 2017.

Councilmember Clear announced the Moto in Noto event on July 21, 2017; a Ghost Hunt hosted by Serendipity on July 21, 2017; and the soft opening of the Bluebird Diner, 2134 N. Kansas Avenue on July 21, 2017.

Councilmember Ortiz announced the Topeka Zoo would host a Free Movie Night on July 27, 2017.

Councilmember Emerson referenced a letter published in the Topeka Capital Journal newspaper on July 22, 2017 regarding how friendly and welcoming the Topeka community is.

Councilmember De La Isla expressed her appreciation to Safe Streets for planning and organizing the National Night Out events on August 5, 2017.

Councilmember Jensen encouraged the community to vote in the Primary Election on August 1, 2017 and to participate in the National Night Out events on August 5, 2017. He reminded citizens to provide sufficient care for outdoor pets during the extreme heat.

Councilmember Schwartz stated this week's "gem" of Topeka includes local hospitals and medical staff, Jim and Nancy Parrish and Ramada Inn Downtown staff members.

Mayor Wolgast announced a Community Reception would be held for the City Manager candidates on July 21, 2017 from 4:30 p.m. to 6:00 p.m. at the Holliday Building located at 620 SE Madison Street, Topeka, Kansas.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:50 p.m.

Brenda Younger
City Clerk