

Governing Body Minutes – August 8, 2017

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, August 8, 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 and Coen -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Harmon -1.

AFTER THE MEETING was called to order, Mayor Wolgast asked for a moment of silent meditation.

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

BOARD APPOINTMENT recommending the appointment of Shampayne Lloyd to the Citizens Advisory Council for a term ending August 9, 2020 was presented.

Councilmember Schwartz 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. 8936 introduced by Councilmember Karen Hiller, granting DTI, an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8937 introduced by Councilmember Karen Hiller, granting Let's Help an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

MINUTES of the regular meeting of July 18, 2017; and the special meeting of July 22, 2017 and July 28, 2017 was presented.

APPROVAL of Cereal Malt Beverage License applications were presented for Fairlawn Express located at 706 SW Fairlawn Road and Good Trip located at 1320 SW 6th Avenue.

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

ORDINANCE NO. 20077 introduced by Interim City Manager Doug Gerber, authorizing the issuance of \$28,490,000 aggregate principal amount of General Obligation Bonds, Series 2017-A of the City of Topeka, Kansas, and currently refund the Series 2012-A Bonds for economic savings under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 10-427 et seq., and Charter Ordinance No. 89 of the City, all as amended was presented.

Doug Gerber, Interim City Manager, reported the bid was awarded to Robert W. Baird & Company, offering a 15 year term at an interest rate of 2.28%.

Councilmember Coen moved to adopt the ordinance. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Schwartz, Coen and Mayor Wolgast -9. Absent: Harmon -1.

RESOLUTION NO. 8934 introduced by Interim City Manager Doug Gerber, prescribing the form and details of General Obligation Bonds, Series 2017-A of the City of Topeka, Kansas, in the aggregate principal amount of \$28,490,000 the issuance of which were authorized by the City pursuant to its ordinance adopted and approved August 8, 2017; and authorizing certain other documents and action in connection with the issuance of the bonds was presented.

Doug Gerber, Interim City Manager, reported the bid was awarded to Robert W. Baird & Company, offering a 15 year term at an interest rate of 2.28%.

Councilmember Jensen moved to approve the resolution. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

RESOLUTION NO. 8935 introduced by Interim City Manager Doug Gerber, authorizing and directing the issuance of Temporary Notes, Series 2017-A (General Improvements) of the City of Topeka, Kansas, in the aggregate principal amount of \$42,385,000 for the purpose of providing funds to pay the cost of (i) renewing a portion of the Series 2016-A Temporary Notes of said City, dated September 13, 2016, and (ii) pay a portion of the cost of certain improvements of said City was presented.

Doug Gerber, Interim City Manager, reported the bid was awarded to J.P. Morgan Securities, L.L.C., offering an interest rate of 0.968%.

Councilmember Hiller commended staff for rolling back the terms of the bonds saving millions of dollars and improving the City's credit rating. She spoke in support of the bonds; however, she encouraged Governing Body members to review the Capital Improvement Plan in detail at the time of approval to ensure they are saving tax dollars when feasible.

Councilmember Jensen moved to approve resolution. The motion seconded by Councilmember Emerson carried unanimously. (9-0-0)

ORDINANCE NO. 20078 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 at 2014 SE Washington Street from "R-1" Single-Family Dwelling District to "O&I-2" Office and Institutional District was presented. (Z17/02)

Doug Gerber, Interim City Manager, stated the Topeka Planning Commission recommended approval by a vote of 5-0-2 at its July 17, 2017, public hearing and staff is recommending approval.

Bill Fiander, Planning Department Director, reported approval would accommodate the renovation and reuse of the existing buildings and grounds formerly occupied by the National Guard Armory for use as the East Topeka Learning Center.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Emerson carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Schwartz, Coen and Mayor Wolgast -9. Absent: Harmon -1.

A FINAL PLAT for McFarland Farm Subdivision No. 5 on property between SW Steeplechase Lane and SW Prairie Road, all being within the City of Topeka, Shawnee County, Kansas was presented. (P17/6)

Doug Gerber, Interim City Manager, reported the Topeka Planning Commission recommended approval by a vote of 6-0-0 at its May 15, 2017 meeting and staff recommends approval of the plat. He stated the final plat included dedication of right-of-way; therefore, it must be approved by the Governing Body.

Bill Fiander, Planning Department Director, reported approval would accommodate the third phase of McFarland Farm Subdivision allowing for the development of 19 single family residences.

Steve Lacasse, Bartlett & West Engineers, appeared for questions.

Councilmember Schwartz moved to approve the final plat. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

PUBLIC HEARING

A PUBLIC HEARING to obtain public input and answer questions from the public regarding the City of Topeka 2018 Consolidated Annual Action Plan was presented.

Doug Gerber, Interim City Manager, reported the public hearing provides an opportunity to receive citizen input prior to the final vote on August 15, 2017.

Mayor Wolgast opened the public hearing and asked if there was anyone present who would like to speak to the matter.

No one appearing, Mayor Wolgast closed the public hearing.

PUBLIC HEARING

A PUBLIC HEARING to obtain public input and answer questions and objections from taxpayers regarding the proposed 2018 City of Topeka Operating Budget was presented.

Doug Gerber, Interim City Manager, reported on the budget process to date and noted the public hearing would provide an opportunity to receive input from the public before the final vote on August 15, 2017.

Mayor Wolgast opened the public hearing and asked if there was anyone present who would like to speak to the matter.

Pam Ensley, JUMP, encouraged the Governing Body to support the efforts made by the JUMP organization by investing in an affordable housing trust fund.

Upon no one else appearing, Mayor Wolgast closed the public hearing.

RESOLUTION NO. 8938 introduced by Interim City Manager Doug Gerber, setting the public hearing to consider the advisability of establishing a Community Improvement District (CID) for the Wheatfield Village District at 29th and SW Fairlawn Road was presented.

Doug Gerber, Interim City Manager, reported approval would set a public hearing date of September 12, 2017, to consider establishing a Community Improvement District (CID) for the Wheatfield Village Redevelopment District.

Councilmember Hiller asked if a target date has been established regarding distribution of the proposal.

Doug Gerber stated the proposal would be distributed in early September.

Councilmember Coen moved to approve the resolution. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

RESOLUTION NO. 8939 introduced by Interim City Manager Doug Gerber, setting the public hearing for consideration of the adoption of a Redevelopment Project Plan for the Wheatfield Village Redevelopment District was presented.

Doug Gerber, Interim City Manager, reported approval would set a public hearing date of September 12, 2017, to consider the adoption of a Redevelopment Project Plan for the Wheatfield Village Redevelopment District.

Councilmember Coen moved to approve the resolution. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

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

Doug Gerber, Interim City Manager, announced a new tiger would arrive at the Topeka Zoo on August 8, 2017; the City of Topeka received federal aid for traffic projects in the total amount of \$1 million which would be dispersed for a project on SW 29th Street and SW McClure (\$600,000) and a project on SW Gage and SW Inland Drive (\$400,000). He stated the City's Street Sweeping Schedule would be posted on the City's website as well as the "NextDoor" mobile application.

Jason Peek, Public Works Director, reported the federal aid was awarded through the Kansas Department of Transportation Highway Safety funds; and the SW Gage and SW Inland Drive project would include a center turn lane along Inland Drive to the I-70 Interstate.

Councilmember Hiller reported a total of 85 neighborhood locations participated in the National Night Out events and commended the volunteers who assisted with the events. She congratulated the Primary Election mayoral candidates Michelle De La Isla and Spencer Duncan.

Councilmember Clear thanked all the volunteers involved in the National Night Out events. She reported the Boys and Girls Club of Topeka Harley Party fundraiser on August 5, 2017 was a great success.

Councilmember Ortiz thanked emergency personnel for interacting with kids; and the Topeka Zoo for sponsoring the free movie event on July 27, 2017. She announced Topeka Public Schools has purchased bus passes for U.S.D. 501 high school kids and noted students may obtain bus passes through their school's administrative office. She reminded citizens to be mindful of children as they start school the week of August 14, 2017. She commended Topeka Police officers in how they handled the situation on August 5, 2017, involving middle school and high school aged kids. She expressed the importance of investing in the youth of the community and advocating on their behalf.

Brendan Wiley, Topeka Zoo Director, announced 1,274 people attended the first free movie night event at the Zoo on July 27, 2017.

Councilmember Emerson thanked everyone involved in organizing and participating in the National Night Out events on August 5, 2017.

Councilmember Jensen commended all the people involved in the National Night Out events. He reminded citizens to be mindful of pets and animals during hot weather.

Councilmember Schwartz commended City staff for sweeping and cleaning the streets. She commented on the Momentum 2022 webcast on August 7, 2017 and commended the Topeka

Capital Journal for conducting the webcasts. She stated this week's "gem" of Topeka is Angela Horn, former Council Assistant. She welcomed Liz Toyne, the new Council Assistant.

Councilmember Coen commended everyone who organized and participated in the National Night Out events in the community. He stated he received many calls of concern regarding the project at SW 21st Street and SW Wanamaker Road.

Doug Gerber stated Cox Communications would complete their changes with the fiber optic cable lines and it was anticipated the street project would continue construction on August 9, 2017.

Councilmember Jensen moved to recess into executive session for a period of 10 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters pertaining to a workers compensation claim, as justified by KSA 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Governing Body members, Interim City Manager Doug Gerber, Financial and Administrative Services Director Nickie Lee, Human Resources Director Jacque Russell and City Attorney Lisa Robertson. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

Following a 10 minute time period, the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Clear moved to recess into executive session for a period of 10 minutes to discuss the status of employer/employee negotiations, as justified by KSA 75-4319(b)(3). In order to aid the discussion, the following individuals should be present: Governing Body members, Interim City Manager Doug Gerber, Human Resources Director Jacque Russell, Financial and Administrative Services Director Nickie Lee, Budget and Performance Manager

Nick Hawkins and City Attorney Lisa Robertson. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

Following a 10 minute time period, the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Jensen moved to recess into executive session for a period of five minutes to continue discussion on the status of employer/employee negotiations, as justified by KSA 75-4319(b)(3). In order to aid the discussion, the following individuals should be present:

Governing Body members, Interim City Manager Doug Gerber, Human Resources Director Jacque Russell, Financial and Administrative Services Director Nickie Lee, Budget and Performance Manager Nick Hawkins and City Attorney Lisa Robertson. The motion seconded by Councilmember De La Isla carried. Councilmember Coen left the room. (8-0-0)

Following a five minute time period, 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 period of 45 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters as justified by KSA 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Governing Body members; Interim City Manager Doug Gerber; Financial and Administrative Services Director Nickie Lee; Financial Advisor Jeff White and City Attorney Lisa Robertson. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

Following a 45 minute time period, the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Harmon entered the room.

Councilmember Emerson moved to recess into executive session for a period of 30 minutes to continue consultation with the City's legal counsel to discuss attorney-client privileged matters as justified by KSA 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Governing Body members; Interim City Manager Doug Gerber; Financial and Administrative Services Director Nickie Lee; Financial Advisor Jeff White and City Attorney Lisa Robertson. The motion seconded by Councilmember Clear carried unanimously. (10-0-0)

Following a 30 minute time period, 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 period of 45 minutes to discuss confidential employment matters pertaining to nonelected personnel, as justified by KSA 75-4319(b)(1). In order to aid the discussion, the following individuals should be present: Governing Body members; Human Resources Director Jacque Russell and City Attorney Lisa Robertson. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

Following a 45 minute time period, the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at

Brenda Younger
City Clerk