

Governing Body Minutes – September 5, 2017

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, September 5, 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, Pastor Alberto Espinoza, El Shaddai Templo de Alabanza gave the invocation.

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

A PRESENTATION in recognition of Washburn Tech Skills USA Winners was presented by Mayor Wolgast. Also present was President Dr. Jerry Farley, Washburn University; Dean Clark Coco, Washburn Institute of Technology; Associate Dean of Instruction Dr. Clayton Tatro, Washburn Institute of Technology; and SkillsUSA Advisor David Praiswater, Washburn Institute of Technology Instructor.

BOARD APPOINTMENT recommending the reappointment of Don Moses to the City of Topeka ADA Advisory Council for a term ending October 2, 2019, was presented.

BOARD APPOINTMENT recommending the reappointment of Theresa Packard to the City of Topeka ADA Advisory Council for a term ending October 2, 2019, was presented.

BOARD APPOINTMENT recommending the appointment of Shawn Kimble to the Shawnee County Community Corrections Advisory Board to fill an unexpired term and a full term expiring September 6, 2019, was presented.

BOARD APPOINTMENT recommending the reappointment of Joel Cromwell to the Shawnee County Community Corrections Advisory Board to fill an unexpired term and a full term expiring September 6, 2019, was presented.

BOARD APPOINTMENT recommending the appointment of Rick Stones to the Topeka Sustainability Advisory Board for a term ending September 6, 2019, was presented.

Councilmember Coen moved to approve the board appointments. The motion seconded by Councilmember Schwartz carried unanimously. (9-0-0)

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8944 introduced by Councilmember Jeff Coen, granting Christ the King Catholic Church an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8945 introduced by Councilmember Jeff Coen, approving a special event known as the Rome Sweet Home Festival for the Christ the King Catholic Church was presented.

MINUTES of the Special Meeting of August 11, 2017 and August 22, 2017; and the Regular Meeting of August 15, 2017, was presented.

APPROVAL of a Cereal Malt Beverage License application for 29th Street Gas & Shop located at 1611 SE 29th Street was presented.

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

ORDINANCE NO. 20083 introduced by Interim City Manager Doug Gerber, imposing a real estate lien, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for utility services where such payments to the City have not been made due to neglect, failure or refusal to pay was presented.

Doug Gerber, Interim City Manager, reported approval would authorize the imposition of charges for delinquent utility accounts on the tax rolls.

Councilmember De La Isla 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.

RESOLUTION NO. 8946 introduced by Interim City Manager Doug Gerber, approving the 2017 Neighborhood Event and Beautification Grant Program (Neighborhood Partnership Program) as recommended by the Neighborhood Partnership Program Grant Review Committee was presented.

Doug Gerber, Interim City Manager, reported approval would allocate \$4,900 in 2017 for projects in designated neighborhoods and noted this was the second round of funding allocated in 2017.

Councilmember Schwartz moved to approve the resolution. The motion seconded by Councilmember Clear carried unanimously. (10-0-0)

RESOLUTION NO. 8947 introduced by Councilmember Elaine Schwartz, supporting the Historic Jayhawk Theater, Inc.'s request to reallocate transient guest tax (TGT) funding and to amend the Development Agreement to reflect the reallocation and require approval of changes to the project scope was presented.

Councilmember Schwartz, TGT Committee Chair, reported the committee recommended approval by a vote of 3-0-0 on August 10, 2017, to authorize reallocation of TGT funding for the Jayhawk Theater and amend the development agreement for project scope changes in excess of \$100,000.

Councilmember Schwartz moved to approve the resolution. The motion was seconded by Councilmember Coen.

Councilmember Hiller requested a friendly amendment concerning the language outlined in Section 3 of the proposed resolution to better reflect the intent of the TGT Committee. She stated the Committee discussed revising Exhibit A as part of major changes that were proposed as well as revising the way the contract was initially written regarding small projects rather than using TGT funds for a major project. She reported in the course of discussion it was implied that the City Attorney's office would revise Exhibit A and any appropriate language in the contract would be amended to reflect the intent of the Committee. She proposed the following friendly amendment:

Beginning on line 38, strike the statement "The Interim City Manager is authorized to execute an amendment to the Development Agreement." and insert the statement "Staff will prepare and submit an amended agreement and Exhibit A to council for approval."

Councilmember Hiller noted it was the intent of the Committee that the agreement would not have to come back regularly before the Governing Body for consideration; therefore, the agreement should reflect that City staff would have the authority to work with the applicant to make changes along the way that were under the \$100,000 threshold.

Councilmember Schwartz and Councilmember Clear, TGT Committee members, expressed their support of the language amendment.

Councilmember Jensen stated he serves as a member of the Jayhawk Theatre Board and would abstain from voting.

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

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.

Councilmember Emerson, Policy and Finance Committee Chair, reported in order to provide additional time to address questions he would move to defer the ordinance until October 17, 2017. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

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

Councilmember Emerson, Policy and Finance Committee Chair, reported in order to provide additional time to address questions he would move to defer the ordinance until October 17, 2017. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)

RESOLUTION NO. 8948 introduced by Interim City Manager Doug Gerber, setting a public hearing to consider the advisability of establishing a Community Improvement District (CID) for the Wheatfield Village District at 29th and Southwest Fairlawn Road and rescinding Resolution No. 8938 was presented.

Doug Gerber, Interim City Manager, reported approval would change the public hearing date set for September 12, 2017 to October 3, 2017.

Councilmember Hiller asked if the development agreement has been completed.

Doug Gerber reported staff continues to work with the applicant to finalize the development agreement and the agreement would be presented to the Governing Body before the public hearing was held.

Councilmember Clear moved to approve the resolution. The motion seconded by Councilmember De La Isla carried. Councilmember Ortiz voted “no.” (9-1-0)

DISCUSSION to consider the advisability of establishing a Community Improvement District (CID) for the project at 240 SE 29th Street, as more specifically described herein was presented.

Doug Gerber, Interim City Manager, reported the property owners located at 240 SE 29th Street have petitioned the Governing Body to establish a Community Improvement District (CID) which staff believes would be a good use for the area.

Trent Overhue, project manager for O&H Investments, reported the proposed development would impose a 1% sales tax on retail purchases of property and services within the district. He stated the project would redevelop two parcels; retain existing tenants; rehabilitate the existing building into a top notch climate-controlled storage facility with advanced security; and add five to six new jobs with an overall investment of approximately \$3.1 million with qualified CID costs of \$955,000. He stated the improvement was currently slated to begin in the fall of 2017 and completed by the summer of 2018, consisting of 500 units ranging in rental costs of \$40 to \$160 per month per unit.

Councilmember Emerson asked staff to comment on the financing of the project and how it relates to bonds.

Nickie Lee, Administrative and Financial Services Director, reported staff would work with the applicant to draft the development agreement and discuss how to tighten language in regards to the use of bonds.

Councilmember Jensen suggested the applicant research opportunities on how to expand and utilize the large parking lot area.

Councilmember Hiller asked if the existing tenants have been consulted.

Trent Overhue stated the existing tenants agree with the proposal and their current lease agreement would not expire for a while.

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

Doug Gerber, Interim City Manager, announced volunteers are needed for the annual bike and pedestrian counts on September 13 and 16, 2017, and noted people interested in volunteering could contact the Topeka Planning Department at 785-368-3728. He announced the traffic signal at SW 29th Street and Gage Boulevard will flash red from 8:30 a.m. to 12:30 p.m. on September 9, 2017, during a signal pole replacement project on the northwest corner of the intersection. He congratulated Dustin Coles for receiving the 2017 Kansas Water Environment Association William D. Hatfield Award.

Councilmember Hiller commended Topeka Police Major Bill Cochran for re-instituting the Hoarder Coalition. She congratulated Mayor Wolgast and Mrs. Anita Wolgast for receiving the Waldo B. Heywood Award by the Topeka Civic Theatre. She encouraged the community to check out Topeka 365 at www.visittopeka.com for information on events happening throughout the city.

Councilmember Clear announced the Kansas Avenue United Methodist Church located at 1029 N Kansas Avenue would host their 9th Annual Hoedown on September 16, 2017. She thanked all those that have donated and volunteered to assist Hurricane Harvey victims through the Sheepdog Impact Assistance organization.

Councilmember Ortiz reported Tiffany, a Topeka Zoo gorilla that recently passed, would be laid to rest at the Topeka Cemetery.

Councilmember Emerson announced the roundabout located at SE 37th Street and SE California is now open and thanked everyone involved in the project.

Councilmember De La Isla extended her thoughts and prayers to the communities in Puerto Rico that will be impacted by Hurricane Irma. She commended the efforts of the Topeka Habitat for Humanity organization and the City of Topeka for working to unite the community. She announced the Topeka Police Department is now involved in the Momentum 2022 strategy which was established to help the Topeka-Shawnee County communities grow in several key areas. She congratulated seven new Topeka Police Department officers who graduated at the 53rd Recruit Academy Class on September 2, 2017.

Councilmember Jensen encouraged people to experience what Topeka has to offer.

Councilmember Schwartz announced the Topeka Zoo would host Zoobilee-A Tropical Affair on September 23, 2017 from 5:00 p.m. to 10:00 p.m. at the zoo.

Councilmember Coen announced the Girls Night Out at Fairlawn Plaza would occur September 14, 2017, from 5:00 p.m. to 7:30 p.m. and all proceeds would be donated to the local Ronald McDonald House.

Mayor Wolgast expressed his sympathy to all the people impacted by Hurricane Harvey and the communities in the path of Hurricane Irma. He commended the many volunteers assisting those in need.

Jonathan Schumm appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:17 p.m.

Brenda Younger
City Clerk