

Governing Body Minutes – September 12, 2017

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, September 12, 2017. The Governing Body members of the City of Topeka met in session at 6:00 P.M., with the following Councilmembers present: Hiller, Ortiz, Emerson, De La Isla, Jensen, Schwartz, Coen and Harmon -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Clear -1.

AFTER THE MEETING was called to order, Pastor Jeff Rhoades, Topeka Baptist Church, gave the invocation.

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

A PRESENTATION of the Topeka Human Relations Commission Troy Scroggins Award was presented to Topeka poets Annette Hope Billings and Dennis Etzel Jr., by Mayor Wolgast.

ARTSConnect Chief Executive Officer Sarah Fizell and Human Relations Commissioner Orion Jordan were also present.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8949 introduced by Councilmember Sylvia Ortiz, granting El Shaddai Ministries 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 September 5, 2017, was presented.

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

RESOLUTION NO. 8950 introduced by Interim City Manager Doug Gerber, setting the public hearing 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 approval would set a public hearing date of October 3, 2017, to consider the advisability of creating a CID at 240 SE 29th Street. He stated the property has been vacant for at least 10 years and noted the CID would generate jobs and provide an opportunity to invest approximately \$3.1 million in the local economy.

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

PUBLIC HEARING NOTICE

A PUBLIC HEARING to consider the adoption of a project plan for the Wheatfield Village Redevelopment District located near SW 29th Street and Fairlawn Road was presented.

Doug Gerber, Interim City Manager, reported the public hearing to consider the adoption of a project plan for the Wheatfield Village Redevelopment District along with approval of the project plan, development agreement, CID formation and zoning applications was initially scheduled to be considered on this date; however, the developer has requested the Governing Body continue the public hearing until October 3, 2017, to allow them time to gather information needed for a full presentation and inclusion of the underlying project documents. He stated staff has been working with the development team on moving the project forward and City staff has no objection to the request.

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

Sara Anderson, area resident, expressed concern with the proposed plan and believes it is too large for the area footprint. She asked the Governing Body to reconsider the plan, address the current area transportation and traffic issues and consult with area residents.

Justin Titzman spoke in opposition of the plan as proposed, specifically the 2% increase of proposed sales tax. He stated he believes it is unfair to pass the burden along to the taxpayer as the developer should absorb the cost of the project.

Bob Johnson, 29th Fairlawn, L.L.C., spoke in support of continuing the public hearing until October 3, 2017, to allow the development team the opportunity to present an improved development package supporting good economic development for Topeka.

Upon hearing no further public comment, Councilmember Coen moved to continue the public hearing until October 3, 2017. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

DISCUSSION related to extending the Neighborhood Revitalization Program (NRP) which expires on December 31, 2017, for one more year was presented.

Doug Gerber, Interim City Manager, stated the same proposal was considered by the Governing Body on March 14, 2017, where only six members of the Governing Body were present and the action to set the public hearing failed by a vote of 5-1-0; therefore, a six-month waiting period was required.

Bill Fiander, Planning Director, reported the NRP has been in existence since 1995 with the current NRP operating since January 1, 2013 and expiring on December 31, 2017. He stated the NRP boundary is based on the Topeka Neighborhood Health Map which is scheduled to be updated in 2018. He provided a brief overview of the NRP Model, background, rebates, area, program requirements, return on investment as well as taxes generated. He stated the proposal is to extend the current NRP until December 31, 2018, in order to sync the renewal of the NRP with the update of the Neighborhood Health Map in 2018. He noted future renewal should occur every three to six years in sync with the update of the Health Map.

Councilmember Jensen questioned why the program was not offered to areas on a downward trend throughout the entire city. He stated he believes the program should be used as a tool to help maintain neighborhoods considered to be in good condition.

Doug Gerber stated there are statutory requirements that have to be followed and he would question if all areas of the city would fit the criteria.

Mayor Wolgast requested staff provide the statutory requirements of the NRP to the Governing Body.

Councilmember Ortiz questioned why outdated health map data was being used; why the Belmont Neighborhood was removed from the program when it is considered to be an intensive care neighborhood; and why the K-Mart building located at 240 SE 29th Street was not included in the NRP.

Bill Fiander stated the Belmont Neighborhood will not be reconsidered until the health map is renewed in 2018; the program has been designed to be as streamlined as possible and meant to be utilized for all who qualify; and currently the program was designed to target areas where development may not happen if there was not an Neighborhood Revitalization Program.

Councilmember Jensen requested comparison information in regards to the impact on the City budget for the current program with the timeline as presented by staff and how it compares to an expanded program to the maximum statutory limits for the entire city. He spoke in support of keeping both programs streamlined and easy.

Doug Gerber stated he would be hesitant in directing staff to try and accurately predict future development if expanded into new areas. He noted at this time there is no negative budget impact to the City.

Councilmember Jensen stated he would be agreeable to considering preliminary numbers and if there is no fiscal impact on the City budget they should be expanding the program to its statutory limits.

Councilmember Hiller suggested the program include a sunset clause every three to five years to ensure data has been updated as needed for the “at risk” neighborhoods based on where the program was needed the most. She spoke in support of staff’s proposal to extend the program an additional year in order to sync the renewal of the NRP with the update of the Neighborhood Health Map in 2018. She noted the goal of the program is to improve the health of neighborhoods.

Councilmember Emerson questioned if there was a need to tighten program regulations and noted large companies such as Walmart should not be able to utilize the program.

Councilmember Hiller encouraged staff to involve realtors in the working groups as they would have a lot to offer on the subject matter.

DISCUSSION related to the preliminary findings associated with development of the Downtown Parking Master Plan was presented.

Doug Gerber, Interim City Manager, stated the City hired DESMAN Design Management to assist in the development of a long-term downtown parking master plan. He stated the consultant would only review the findings and would not offer solutions at this time.

Jerry Salsman, DESMAN Design Management, reported the scope of the study includes a review of existing parking facility utilization and occupancy, projecting future demand, determining the capacity of the current parking system to absorb additional demand as well as determining a current and future rate structure able to support the long-term financial health of the parking system. He stated the final comprehensive parking plan will include

recommendations designed to help the City's Parking Division operate, maintain and manage Topeka's public parking assets for the next decade. He reported it was the City's desire the study process involve significant public input; therefore, discussions were held with downtown stakeholders, visitors and citizens of Topeka as well as an online survey was conducted generating key discussion topics which are crucial to use in the later phases of the project, as recommendations for improving public parking are developed and evaluated. He stated in general the study area for the project is SW 2nd Street (northern boundary) Tyler Street (western boundary) SW 12th Street (southern boundary) and Adams Street (eastern boundary).

Councilmember Jensen suggested staff use a realistic distance, such as one city block, when planning signage to make sure parking locations are clearly visible and parking is easy to locate in the downtown area.

Councilmember Coen questioned if the two-hour parking limitation was enforced.

Councilmember Ortiz stated it was her understanding the two-hour parking limit continues to be enforced through the reporting of Vehicle Identification Numbers (VIN) by Parking Enforcements officers; however, she continues to receive complaints regarding inconsistencies in enforcement. She expressed concern with the need to provide additional training of Parking Division personnel.

Doug Gerber stated he would verify the City's current practice in regards to enforcement of the two-hour parking limitation and report back to the Governing Body.

Councilmember Hiller commended staff and all those involved in the study. She questioned why the study was not based on full occupancy of downtown rather than only new development plans for the next two years. She stated she wants to make sure the study demonstrates to citizens that the City plans to optimize space as needed and envision now and in the future. She

spoke in support of additional training for Parking Division personnel for the purpose of consistency and efficiency of enforcement.

Jerry Salsman stated it would not be wise to plan for 100% capacity at this time because it could take an extensive amount of time. He expressed the importance of considering best-case scenario for the next five to six years and the need to take small steps by putting technology in place to manage the system as well as managing the current spaces correctly – opening needed parking spaces right now. He reported the study conclusions appear to be sound and they will continue to communicate with the small merchants in the downtown area as well as fully engage residential developers.

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

Brenda Younger, City Clerk gave a brief overview of the September 19, 2017 Governing Body agenda.

Doug Gerber, Interim City Manager, announced the Annual Water Fair on September 21, 2017 from 9:30 a.m. to 2:00 p.m. at Garfield Park.

Councilmember Hiller commented on the funding of neighborhood association newsletters. She commended the Tennessee Town NIA for partnering with two local companies in regards to sponsorship of their newsletters and local school leaders and children for delivering the newsletters. She stated there is no cost to the City for the nomination of World Heritage sites by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and noted the Sumner and Monroe Schools have been on the historical national radar for a while now. She stated the schools would need to be fully rehabilitated and thriving as well as community engagement for the sites that includes heritage tourism and/or active engagement in diversity

issues. She stated she believes this can be accomplished through private effort and private funding.

Councilmember Ortiz asked if City staff parking tag information was included in the parking study. She thanked Councilmember Hiller for helping her call property owners in regards to collecting payments for utility liens.

Councilmember Emerson commended those involved in organizing a neighborhood cleanup in Council District No. 4 on September 9, 2017. He thanked City staff for distributing hangtags to nearby residents notifying them of the start of street improvements in his neighborhood.

Councilmember De La Isla congratulated the Hi-Crest community in collaboration with local organizations in transforming the neighborhood; Jim Parrish for being honored by the Topeka Public Schools Foundation as the 2017 Patron of the Year for investing in area kids; and Debra and Randy Clayton, Susan Garlinghouse, Philip Morse and Brent Boles for being named as the Junior Achievement of Kansas 2018 Business Hall of Fame laureates. She encouraged people to change one person's life today and noted Momentum 2022 is doing great things in the community.

Councilmember Jensen commented on remembering the events that occurred on September 11, 2001 and stated he is encouraged how America has recovered and continues to move forward. He also commented on the communities in Florida and Texas and how people are working together to recover from recent natural disasters.

Councilmember Schwartz commended Brendan Wiley, Topeka Zoo Director, for promoting Kay's Garden on a national level.

Councilmember Coen commented on the Topeka Hometown Heroes banners on display at Westar Energy and thanked the individuals for their service to our country. He commended

Matthew Ludwick, I.T. Systems Developer, for representing the City as being recognized as a finalist in the “Overall City Government Experience” category of the inaugural Government Experience Awards handed out by the Center for Digital Government.

Mayor Wolgast announced a JEDO Board meeting has been scheduled for September 13, 2017 at 6:00 p.m. in the Municipal Court Chambers.

Councilmember Coen moved to recess into executive session for a period of 20 minutes for consultation with the City’s legal counsel to discuss attorney-client privileged matters related to potential litigation, as justified by K.S.A. 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Governing Body members; Interim City Manager, Doug Gerber; Budget Manager Nick Hawkins; Public Works Director, Jason Peek; Chief of Litigation, Shelly Starr and City Attorney Lisa Robertson. The motion seconded by Councilmember Harmon carried unanimously. (9-0-0)

Following a 20 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 20 minutes for consultation with the City’s legal counsel to discuss attorney-client privileged matters, as justified by K.S.A. 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Governing Body members; Interim City Manager, Doug Gerber; Budget Manager Nick Hawkins and City Attorney Lisa Robertson. The motion seconded by Councilmember Coen carried unanimously. (9-0-0)

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NO FURTHER BUSINESS appearing the meeting was adjourned at 8:50 p.m.

Brenda Younger
City Clerk