

Governing Body Minutes – October 3, 2017

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, October 3, 2017. The Governing Body members of the City of Topeka met in regular 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, Councilmember Clear gave the invocation.

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

BOARD APPOINTMENT recommending the appointment of John Kirk to the Civil Service Commission to fill an unexpired term ending November 1, 2019, was presented.

Councilmember Emerson moved to approve the board appointment. The motion seconded by Councilmember Coen carried unanimously. (8-0-0)

Councilmember Clear requested Item 5B, the Denial of Tort Claim for Michael Gray be removed from the consent agenda for separate discussion.

Upon hearing no objections, Mayor Wolgast announced Item 5B would be removed from the consent agenda and added to the Council agenda under Action Items as Item 6E.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8953 introduced by Councilmember Sandra Clear, granting Brass Rail Tavern an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

DENIAL of a Tort Claim submitted on behalf of John Forsythe (Veritas Bronze), Janet Zoble (Promark Management) and Tim Degginger (Degginger Foundry) for \$31,750 plus 10% interest accruing from August 17, 2016, was presented.

MINUTES of the regular meeting of September 19, 2017, was presented.

APPROVAL of a Cereal Malt Beverage License application for Target Store T-0355 located at 2120 SW Wanamaker Road was presented.

APPROVAL of an Open After Midnight License application for Theatre Club of Topeka located at 3028 SW 8th Avenue was presented.

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

A PUBLIC HEARING and ORDINANCE NO. 20085 introduced by Interim City Manager Doug Gerber, establishing a Community Improvement District (CID) for the project at 240 SE 29th Street levying a CID sales tax of one percent (1%) within the CID was presented. (Contract No. 46422)

Doug Gerber, Interim City Manager, reported approval would establish a community improvement district at 240 SE 29th Street and authorize the imposition of a 1% sales tax to be imposed on retail sales and services within the district.

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

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

Councilmember Clear 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. Absent: Schwartz -1.

A PUBLIC HEARING and ORDINANCE NO. 20086 introduced by Interim City Manager Doug Gerber, continuing the 2013-2017 Neighborhood Revitalization Plan for an additional year was presented.

Doug Gerber, Interim City Manager, reported approval would extend the current Neighborhood Revitalization Plan (NRP) to December 31, 2018; allow staff to sync the plan with the neighborhood health map and include other suggestions from the community and Governing Body members.

Bill Fiander, Planning Department Director, stated if the plan was approved, staff would engage other taxing entities as required by law and gather input from neighborhoods before presenting the plan for renewal at the end of 2018.

Councilmember Jensen questioned the status of an overall NRP plan that would encompass the entire city. He stated he would prefer they spend less taxpayer dollars and not have to repeat the process again in 2018.

Doug Gerber reported the NRP must follow certain guidelines as outlined in State statute otherwise it would be an incomplete process and inadequate data.

Councilmember Ortiz expressed concern with the outdated neighborhood health map.

Bill Fiander reported they are working towards a three-year cycle from this point forward regarding updates to the neighborhood health map as well as the NRP.

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

Jackie Steele, Vice President of Business Retention and Expansion for GO Topeka, and Vince Frye, President and CEO of Downtown Topeka Inc., spoke in support of extending the NRP for an additional year.

Upon hearing no further comment, Mayor Wolgast announced the public hearing was closed.

Councilmember Hiller stated the NRP was a great tool for neighborhoods. She suggested focusing more on marketing and educating neighborhoods on the NRP so that communities could work together and support older neighborhoods that could benefit from the NRP.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Coen 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. Absent: Schwartz -1.

A PUBLIC HEARING (continued from the meeting of September 12, 2017) to consider the adoption of a Tax Increment Financing (TIF) Project Plan for the Wheatfield Village TIF Redevelopment District located near SW 29th Street and Fairlawn Road, was presented.

Doug Gerber, Interim City Manager, reported staff requests continuing the public hearing until November 14, 2017, at which time, all action items related to the redevelopment district will be considered by the Governing Body.

Bill Fiander, Planning Department Director, gave a brief overview of the zoning associated with the development including the Planned Unit Development Master Plan. He highlighted parking, signage, site landscaping requirements and traffic access points.

Bob Johnson, 29th & Fairlawn, L.L.C., provided an overview of the redevelopment site plan and boundaries, traffic access points, project costs and incentive estimates.

Jeff Wilke, TranSystems, provided an overview of the traffic study and how the projected traffic would operate with a fully developed site as well as anticipated street improvements. He stated the study was conducted to ensure there would be no queuing issues between traffic signals and turn-bays, optimize the flow of traffic as well as make certain there would be sufficient pedestrian crossings.

Jim Klausman, developer, provided a brief history of the blighted area, their vision for the area and the advantages a mixed use development would offer the community.

Councilmember Hiller questioned the return on investment for the development and asked for an itemized estimate of project costs.

Councilmember Jensen questioned the project timeline.

Jim Klausman stated he does not have line item details for expenses as of yet; however, he is investing \$80 million of private funds for the development. He reported demolition of the property would start immediately, Phase I would begin in spring 2018 and include a restaurant and movie theater with the final phase of the project beginning in approximately 1.5 years and include the apartment complex.

Bob Johnson provided a brief overview of project estimates and noted construction costs will increase over time and could not be finalized until the project completes the bid process.

Councilmember Clear asked how the proposed street improvements would be funded.

Doug Gerber reported street improvements have not been designed yet; therefore, the associated costs have not been formulated. He stated the City would have to make improvements with or without the project; therefore, staff will propose a cost-sharing option to the developer for needed street improvements.

Terry Coder, City Engineer, provided a brief history of the intersection at SW 29th Street and Fairlawn Road. He stated the primary issue of the intersection relates to the location of the Interstate I-470 exit ramp being located too close to the intersection causing traffic congestion. He noted the last improvements made to the intersection were part of a federal aid safety project in 2009. He expressed his support of the proposed improvements as they would be useful to the area and compliment future street improvement plans made by the City.

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

Bob Fletcher, Sean Frost, Ty Hysten, Freddy Mawyin and Connor England spoke in support of the project.

Paul Byrne expressed his support of the overall project and proposed CID; however, he opposes implementing a Tax Increment Financing (TIF) District for the area due to the financial implications associated with it.

Joe Cheray expressed concern with implementing a new CID and TIF District because of the impact it would have on taxpayers.

Jalae Allen and Sara Anderson expressed the importance of much needed street improvements to ease the traffic congestion in this area.

Councilmember Ortiz moved to extend the public hearing until November 14, 2017. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

A PUBLIC HEARING to consider the advisability of establishing a Community Improvement District (CID) for the Wheatfield Village District at 29th and SW Fairlawn Road and levying a CID sales tax of two percent (2%) within the CID was presented.

Doug Gerber, Interim City Manager, stated action by the Governing Body would be taken on November 14, 2017.

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

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

DENIAL of a Tort Claim Appeal submitted by Michael Gray in the amount of \$500 for damages to his vehicle from a Topeka Fire Department Fire Engine responding to a structure fire was presented.

Councilmember Clear moved to approve the tort claim appeal for Michael Gray. The motion was seconded by Councilmember Jensen.

Lisa Robertson, City Attorney, requested the Governing Body recess into executive session if there was a need for further discussion on the tort claim appeal.

Councilmember Ortiz moved to recess into executive session for a time period not to exceed 10 minutes to continue discussion on the tort claim appeal. 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 and City Attorney Lisa Robertson. The motion seconded by Councilmember Emerson 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.

The motion to approve the tort claim appeal for Michael Gray failed. Councilmembers Hiller, Emerson, De La Isla, Coen, Harmon and Mayor Wolgast voted “no.” (3-6-0)

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

Brenda Younger, City Clerk, provided a brief overview of the October 10, 2017 Governing Body agenda.

Doug Gerber, Interim City Manager, announced the Boo at the Zoo event on October 21, 2017, and October 28, 2017, at the Topeka Zoo from 9:00 a.m. to 3:00 p.m.; and the Topeka Fire

Department would host the Memorial Ceremony and Open House on October 14, 2017, from 12:00 p.m. to 4:00 p.m. at 324 SE Jefferson Street.

Governing Body members expressed their condolences to the people in our community affected by recent tragedies as well as those affected by the tragedy in Las Vegas, Nevada, on October 1, 2017. They expressed their appreciation to all first responders locally and across the nation for administering care to those in need.

Councilmember Clear stated she received a call from a constituent complimenting the Topeka Police Department for their work in the community.

Councilmember De La Isla extended her support and prayers for the people in Puerto Rico affected by Hurricane Maria. She commended the young professionals who appeared to speak during the Governing Body meeting and thanked them for taking an active interest in the community.

Councilmember Jensen announced the Pumpkin Palooza event on October 7, 2017, at Lake Shawnee Swim Beach from 9:30 a.m. to 1:00 p.m.

Councilmember Coen announced the annual Oktoberfest event on October 7, 2017 at Fairlawn Plaza from 10:00 a.m. to 8:00 p.m.

Councilmember Harmon reported he received a call from a Washburn University staff member complimenting the Topeka Police Department for conducting the crisis intervention training for Washburn University staff members.

Councilmember Hiller stated she also received a call from a Washburn University staff member complimenting the Topeka Police Department for their efforts in conducting crisis intervention training for Washburn University staff members. She commended the young

professionals who appeared to speak on the Wheatfield Village Redevelopment project and thanked them for taking an active role in the community.

Councilmember Coen moved to recess into executive session for a period of 15 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters related to worker's compensation, 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; Risk Manager Shannon Langston and City Attorney Lisa Robertson. The motion seconded by Councilmember Emerson carried unanimously. (9-0-0)

Following a 15-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 20 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters related to potential litigation, 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; Police Legal Counsel Luther Ganieany and City Attorney Lisa Robertson. The motion seconded by Councilmember Jensen 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 Ortiz left the room.

Councilmember Harmon moved to recess into executive session for a period of 25 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters related

to contract negotiations, 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 De La Isla carried unanimously. (8-0-0)

Councilmember Ortiz entered the room.

Following a 25-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 9:30 p.m.

Brenda Younger
City Clerk