

## **Governing Body Minutes – November 14, 2017**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, November 14, 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, Schwartz and Coen -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Harmon -1.

AFTER THE MEETING was called to order, Councilmember Ortiz gave the invocation.

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

A PRESENTATION on the City's 3<sup>rd</sup> Quarter Financial Report was presented by Nickie Lee, Administrative and Financial Services Director.

A PRESENTATION on the City's Planning Department Quarterly Report was presented by Bill Fiander, Planning Department Director.

BOARD APPOINTMENT recommending the reappointment of Shaye Downing to the Topeka Housing Authority Board of Commissioners to fill a term ending January 1, 2022, was presented.

BOARD APPOINTMENT recommending the appointment of Frank Burnam to the Topeka Public Building Commission for a term ending November 15, 2021, was presented.

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8959 introduced by City Manager Brent Trout, naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatories and rescinding City of Topeka Resolution No. 8849, was presented.

RESOLUTION NO. 8960 introduced by City Manager Brent Trout, concerning the City of Topeka's participation in the State of Kansas Municipal Investment Pool and rescinding City of Topeka Resolution No. 8850, was presented.

APPROVAL of a proposed settlement agreement and release of all potential claims, including EEOC Charge No. 563-2017-01687 for payment of \$25,000 was presented.

MINUTES of the regular meeting of October 17, 2017, and Special Meeting of November 6, 2017, was presented.

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

RESOLUTION NO. 8961 introduced by City Manager Brent Trout, in accordance with Section 18.60.010 of the Topeka Municipal Code, amending a Conditional Use Permit (SP60/2) that allowed specifically for the sales of orthopedic appliances to allow "retail sales that is subordinate and in association with the principal use of the office building" on property located at 1119 SW 10<sup>th</sup> Avenue and presently zoned "O&I-2" Office and Institutional District, all being within the City of Topeka, Shawnee County, Kansas, was presented. (CUI7/1)

Bill Fiander, Planning Department Director, reported approval would allow Doorstep, Inc., to relocate its retail thrift store into a portion of the building at 1119 SW 10<sup>th</sup> Avenue. He stated the Planning Commission and Planning Department are recommending approval.

Mayor Wolgast asked members of the Governing Body to declare ex parte communications.

Councilmember Ortiz indicated she received emails and phone calls from proponents and opponents.

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

ORDINANCE NO. 20092 introduced by City Manager Brent Trout, 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 2655 SW Wanamaker Road FROM “O&I-1” Office and Institutional District TO “C-2” Commercial District was presented. (Z17/04)

Bill Fiander, Planning Department Director, reported approval would provide for the expansion of the existing office building and allow for a larger business ground sign at the southeast corner of the site to accommodate an increased number of tenant office spaces. He stated the Planning Commission and Planning Department are recommending approval.

Mayor Wolgast asked members of the Governing Body to declare ex parte communications.

None were declared.

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.

ORDINANCE NO. 20093 introduced by City Manager Brent Trout, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on property located at 5127 SW Wanamaker Road from “RR-1” Residential Reserve District and “C-2” Commercial District ALL TO “R-1” Single-Family Dwelling District was presented. (Z17/5)

Bill Fiander, Planning Department Director, reported approval would allow the property owner to construct one new single-family residence on the 38-acre parcel. He stated the Planning Commission and Planning Department are recommending approval.

Mayor Wolgast asked members of the Governing Body to declare ex parte communications.

None were declared.

Councilmember Schwartz moved to adopt the ordinance. The motion seconded by Councilmember Jensen 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.

APPROVAL of a three-year labor agreement between the City of Topeka and Local 1294 Missouri/Kansas State Council 61, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO was presented. (*Contract No. 46391*)

Jacque Russell, Human Resources Director, gave the staff report. She stated a tentative agreement has been reached and ratified by the bargaining unit and staff recommends approval of the agreement.

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

AUTHORIZING a public hearing for December 5, 2017, for the purpose of hearing and answering objections of taxpayers relating to the proposed amendments to the 2017 Operating Budget was presented.

Nick Hawkins, Budget Manager, stated the proposed amendments for the 2017 budget would increase the adopted 2017 budget from \$21,776,719 to \$26,534,523, increasing the Citywide Half Cent Sales Tax, Transient Guest Tax and Tax Increment Financing funds.

Councilmember Coen moved to approve the public hearing date of December 5, 2017 and authorize the publication in the Topeka Metro News. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

PUBLIC HEARING and ORDINANCE NO. 20094 introduced by City Manager Brent Trout, adopting a Redevelopment Project Plan for Wheatfield Village Redevelopment District pursuant to K.S.A. 12-1770 et seq., as amended was presented.

Brent Trout, City Manager, provided the history of actions that have transpired over the past several months regarding the proposed redevelopment project (Wheatfield Village) at the northwest corner of SW 29<sup>th</sup> Street and SW Fairlawn Road.

Doug Gerber, Deputy City Manager, provided a brief overview of the following agenda items associated with the Wheatfield Redevelopment Project:

- Item 6F - a public hearing and ordinance adopting the Redevelopment Project Plan
- Item 6G - an ordinance amending area zoning to allow for a mixed-use district
- Item 6H - an ordinance approving the Community Improvement District (CID) and the terms of the development agreement.

Councilmember Hiller asked if approval of the development agreement would include the Tax Increment Financing District (TIF) designation as well as the CID for the redevelopment project.

Doug Gerber stated approval of the development agreement would include the TIF District.

Bob Johnson, 29 Fairlawn, L.L.C., thanked the Governing Body and City staff for working with the redevelopment team to make the project better overall and insure an open process for everyone involved.

Jim Klausman, 29 Fairlawn, L.L.C., thanked the Governing Body for their support and expressed his appreciation to City staff for working with them on the project.

Councilmember Hiller expressed concern with the overall project and not addressing the timeframe and completion of the project in the development agreement. She asked how the new businesses would impact the existing business sector in Topeka.

Councilmember Clear asked if the new businesses have been secured within the development and what if the project does not move forward as scheduled. She expressed concern with the proposed hotel and referenced the recently closed Ramada Inn West Hotel.

Jim Klausman reported the majority of the project would be completed within 18-24 months; the multi-use development would add to the quality of life in Topeka and bring visitors to our area; all businesses have signed a letter of intent; and the Wheatfield Village hotel would be a completely different product than the Ramada Inn West Hotel property.

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

Connor England spoke in support of the mixed-use development and stated he believes the project would support quality of life in the community and encourage people to visit Topeka.

Bob Ross spoke in support of the development and expressed his excitement for the future of the community over the next 25 years.

Clint Patty spoke in support of the development. He stated he believes the development would be the future of the community by supporting quality of life that attracts people to Topeka.

Marge Ahrens expressed concern with the City relinquishing \$18 million in sales tax revenue over a 22 year period. She encouraged the Governing Body to dedicate the sales tax funds generated to injustices in the community and struggling small businesses.

Krista Thacker spoke in support of the development and noted professionals are looking for thriving communities that offer different kinds of quality of life opportunities.

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

Councilmember Coen moved to adopt the ordinance. The motion was seconded by Councilmember De La Isla.

Councilmember Ortiz expressed concern with how the project has been presented. She stated she would not support the project because it was her understanding Mr. Klausman owes over \$400,000 in back taxes.

Councilmember Schwartz stated she believes the project would have a positive impact in the community and listed the potential economic development advantages it could provide to the City.

Councilmember Emerson stated he would support the project plan; however, his company would refrain from serving as a contractor for the redevelopment project.

The motion to adopt the ordinance carried. Councilmembers Clear and Ortiz voted “no.” (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Emerson, De La Isla, Jensen, Schwartz, Coen and Mayor Wolgast -7. Noes: Clear and Ortiz -2. Absent: Harmon -1.

ORDINANCE NO. 20095 introduced by City Manager Brent Trout, 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 the northwest corner of SW 29<sup>th</sup> Street and SW Fairlawn Road in the City of Topeka, Kansas, FROM “C-4” Commercial District TO “PUD” Planned Unit Development District (C-4 and M-3 use groups), was presented. (*PUD17/02*)

Bill Fiander, Planning Department Director, stated approval would allow for mixed-use redevelopment of a 14.7-acre property that includes restaurants, a movie theater, hotel and a

multi-family apartment complex. He noted the Planning Commission and Planning Department recommend approval.

Mayor Wolgast asked members of the Governing Body to declare ex parte communications.

Mayor Wolgast and Councilmembers Ortiz, Emerson, De La Isla, Jensen, Schwartz and Coen received emails and phone calls from proponents and opponents.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Hiller carried. Councilmembers Clear and Ortiz voted “no.” (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Emerson, De La Isla, Jensen, Schwartz, Coen and Mayor Wolgast -7. Noes: Clear and Ortiz -2. Absent: Harmon -1.

ORDINANCE NO. 20096 introduced by City Manager Brent Trout, establishing a Community Improvement District (CID) for the Wheatfield Village District at 29<sup>th</sup> and SW Fairlawn Road and levying a CID sales tax of two percent (2%) within the CID, was presented. (*Contract No. 46392*)

Councilmember Schwartz moved to adopt the ordinance. The motion seconded by Councilmember Coen carried. Councilmembers Clear and Ortiz voted “no.” (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Emerson, De La Isla, Jensen, Schwartz, Coen and Mayor Wolgast -7. Noes: Clear and Ortiz -2. Absent: Harmon -1.

DISCUSSION related to the Downtown Parking Master Plan recommendations was presented.

Jason Peek, Public Works Director, reported the recommendations for a downtown parking plan would be presented with the intent to bring a final report for consideration to the Governing Body on December 5, 2017. He highlighted the following key policy assumptions and methods to fund the financial gap in 2018:



- Continue free two-hour on-street parking along S. Kansas Avenue and associated side streets where yellow hoods are currently on meters representing 550 spaces
- Implementation of demand management strategies to better utilize existing parking supply available in garages, surface lots and on-street
  - Adjusting garage and surface lot rates to balance demand
  - Adjusting meter rates and time limits
- Development of additional funding strategies beyond existing fees from meters, leases and enforcement to pay for plan recommendations and capital repair needs of parking facilities.

Jerry Salzman, DESMAN Design Management, provided an overview of the following:

- Impact to On-Street Parking including adjusting meter rates in high occupancy areas; acquiring new parking meter technology to allow multiple forms of payment and increasing fines for parking violations
- Impact to Off-Street Parking including acquiring single Parking Access and Revenue Control System (PARCS) for all garages and increasing oversell of leases in garages with available capacity
- Impact to System-Wide Parking including acquiring ability to look up vehicle registration information for out-of-state vehicles; improving wayfinding to the City's parking garages; establishing a Capital Reserve fund to pay for future system needs; establishing a policy to handle residential parking in downtown and acquiring/developing back-office software to integrate management and reporting of parking system data

Mayor Wolgast asked when the parking garages would become self-sufficient and what kind of impact increasing fines would have on needed revenue.

Councilmember Jensen questioned the amount of revenue lost from hooded parking meters and asked how to encourage the use of parking garages.

Jerry Salzman stated more meters and off-street parking would generate the needed revenue to begin supporting parking; fines should be 10-15 times the hourly parking rate (Topeka is slightly low); and technology should support all the steps toward the final plan.

Jason Peek stated fees charged to hood parking meters would increase with overall fee increases.

Eric Haggett, DESMAN Design Management, commented on rate increases, meters versus parking garages, enforcing two hour metered parking limits, implementing new technology to assist with enforcement and ability to view parking availability in the downtown area online.

Councilmember Hiller stated Parking has been historically funded through an Enterprise fund and used to be self-sufficient. She encouraged the Governing Body to consider how to make it a healthy fund again and establish a master parking plan that would allow room for future growth in the downtown area. She spoke in support of considering various incentives to increase the use of parking garages.

Jason Peek stated he understands the need to close the funding gap; however, the Governing Body must make a determination regard a downtown parking plan. He noted the parking recommendations address the current needs and would have the flexibility to adjust as needed in the future.

Councilmember Ortiz stated she looks forward to meeting with the City Manager to discuss downtown parking plan that supports residents in the downtown area now and in the future. She suggested the City consider implementing free parking downtown over the holiday season to encourage people to shop locally.

Councilmember Jensen noted the parking plan does not address self-driving vehicles; however, he looks forward to a complete parking plan.

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

Brenda Younger, City Clerk, provided a brief overview of the November 21, 2017 Governing Body agenda.

Brent Trout, City Manager, stated he looks forward to serving the City of Topeka and thanked everyone for the warm welcome extended to him and his family.

Mayor Wolgast congratulated Governing Body members who won their respective Council District elections.

Councilmember Ortiz welcomed City Manager Brent Trout to Topeka. She congratulated returning Governing Body members on being re-elected to their respective Council Districts.

Councilmember Schwartz congratulated returning Governing Body members for being re-elected. She announced the Red Stocking Breakfast would take place on December 9, 2017, from 7:30 a.m. to 10:30 a.m. at Carlos O’Kelly’s to benefit the Kansas Children’s Service League; Stanley Flowers will be closing and holding a Going Out of Business Sale November 17-19, 2017, with a portion of the proceeds to benefit Temple Beth Shalom; and Mars North America is doing great things and she is proud they are part of our community.

Councilmember Coen announced Santa Claus would be visiting Fairlawn Plaza starting November 24, 2017, and every weekend through December 25, 2017.

Councilmember Hiller commended foreign exchange students for coming to Topeka and learning about various roles in local government at organizations throughout Shawnee County. She welcomed City Manager Brent Trout and thanked Doug Gerber for his service as Interim City Manager. She congratulated the returning and new Governing Body members.

Councilmember Clear stated she believes Topeka is a great city and provides a great quality of life. She announced the Sheep Dog Impact Assistance – Kansas Chapter would host a Turkey Trot for Heroes 5K on November 23, 2017, at 8:30 a.m. at the Combat Air Museum located at 7016 SE Forbes Avenue, Forbes Field.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:26 p.m.

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Brenda Younger  
City Clerk