

Governing Body Minutes – November 21, 2017

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, November 21, 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, Coen and Harmon -9. Mayor Larry E. Wolgast presided -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 2017 Visit Topeka Inc., Annual Report was presented by Brett Oetting, Visit Topeka Inc., Chief Executive Officer.

Councilmember Schwartz asked Mr. Oetting to provide Quarterly Reports to the Governing Body in 2018.

Councilmember Coen questioned if the closing of the Ramada Inn West hotel would have an effect on the number of occupancy taxes generated and how the creation of the Greater Topeka Partnership (GTP) would work in regards to planning community events.

Brett Oetting reported they do not anticipate the closing of the Ramada Inn West hotel to have an effect on occupancy numbers in the City; however, they do anticipate the numbers to increase in 2018 with the opening of other hotels. He noted the combined efforts of the many organizations that makeup GTP has been going well.

BOARD APPOINTMENT recommending the appointment of Ivan Weichert to the Citizens Advisory Council for a term ending November 22, 2020, was presented.

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

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20097 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of September 30, 2017, through October 27, 2017, and enumerating said expenditures therein was presented.

MINUTES of the regular meeting of November 14, 2017, was presented.

APPROVAL of Cereal Malt Beverage License applications were presented for the following:

<u>Business Name</u>	<u>Address</u>
Glory Days Fleming Place	1033 SW Gage Boulevard
Glory Days Lake Shawnee	3310 SE 29 th Street
Hooters	6100 SW 10 th Avenue

APPROVAL of Dance Hall License applications were presented for the following:

<u>Business Name</u>	<u>Address</u>
Los Charros	4111 SW Gage Center Drive
Skinny's	4016 SW Huntoon Street

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

RESOLUTION NO. 8962 introduced by City Manager Brent Trout, approving the 2018 Neighborhood Empowerment Grants as recommended by the Neighborhood Empowerment Grant Committee was presented.

Sasha Haehn, Neighborhood Relations Director, reported approval would allocate \$137,890 of Community Development Block Grant (CDBG) funds for a total of eight projects in four Neighborhood Improvement Associations (North Topeka West, Ward Meade, Central Park and Chesney Park).

Councilmember Clear spoke in opposition of allocating City funds to Shawnee County owned parks and noted Shawnee County should be held responsible for all park improvements.

Councilmember Hiller stated she concurs with Councilmember Clear.

Councilmember Emerson asked how unexpended grant funds are used.

Councilmember Jensen spoke in support of investing in the community as a whole and noted citizens want parks maintained.

Councilmember De La Isla spoke in support of allocating the funds as recommended; however, she suggested the Governing Body review the policy for 2018 specifically relating to the use of City funds for County parks.

Councilmember Ortiz spoke in support of the program and noted park improvements contribute to quality of life for area youth.

Sasha Haehn reported the unexpended funds would be used for emergency repairs and accessibility issues.

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

DISCUSSION of funding recommendations by Alcohol and Drug Abuse Advisory Council in the amount of \$535,000 for the 2018 Special Alcohol Fund was presented.

Brent Trout, City Manager, reported it was projected the City of Topeka would receive \$535,000 in liquor tax funds collected by the State of Kansas. He stated State Statute requires the funds be allocated for the purpose of awarding grants to alcohol and drug programs. He noted the amount was \$85,000 less than the amount received in 2017.

Max Wilson, Topeka-Shawnee County Alcohol and Drug Abuse Advisory Council Chair, provided a brief overview of the history and role the organization fills in the community.

Councilmember Clear thanked the Advisory Council for their support and assistance in the process.

Councilmember Hiller reported the reduction in funding was due to the depletion of carryover funds from previous years.

Councilmember De La Isla asked if all agencies had the opportunity to apply for funding.

Max Wilson stated all organizations were given the same opportunity to apply for the funds; however, the organizations that received the highest score are being recommended for funding.

Georgianna Wong and Kinsley Searles, Topeka Youth Project, spoke in opposition of the major funding cuts to the Topeka Youth Project program and asked the Governing Body to reconsider the allocation of funds for the program.

DISCUSSION concerning a local amendment to the Uniform Public Offense Code concerning the sale or furnishing of cigarettes, electronic cigarettes, tobacco products and liquid nicotine to any person under the age of 21 was presented.

Councilmember Schwartz reported the amendment would prohibit the sale or furnishing of cigarettes and other tobacco-related products to adults between the ages of 18 and 20. She spoke about her personal health issues related to smoking and asked the Governing Body to support the proposal being presented to protect children and help prevent underage smoking.

Councilmember Jensen spoke in support of preventing children from smoking; however, he questioned if the proposal should be combined with other courses of action such as funding an educational program through taxes. He questioned what would prevent children from going out of the area to purchase the products; should the issue be part of a larger educational program; and how are similar bans working in other cities.

Tanya Dorf Brunner, Oral Health Kansas; Alice Weingartner, GraceMed Health Clinic; Tracy Russell; Missty Lechner, Heartland Health Neighborhoods and United Way; Craig Barnes; Linda Ochs, Shawnee County Health Department; Kristi Pankratz, Safe Streets & Prevention Services; Mary Jayne Hellebust; Dr. Gianfranco Pezzino and Shawnee County Commissioner Bob Archer spoke in support of the “Tobacco 21” effort. They discussed the health problems and statistics

associated with the use of tobacco by people under the age of 21. They asked the Governing Body to support the proposed ordinance restricting the sale of tobacco products by those between the ages of 18 and 20 to help change the overall culture of the state.

Yasmari Rodriguez spoke in opposition of the lack of transparency and accountability by elected government officials, Topeka Police Officers and other City officials in regards to the death of Dominique White and asked the Governing Body to change the processes in place that regulate these issues.

Spencer Duncan, Kansas Vapers Association, spoke in opposition of the age limit being presented. He stated there are laws in place to prevent under-aged children from buying tobacco as well as the proposal appears to be flawed, and in violation of State law. He asked the Governing Body to conduct an economic assessment of the law and how it relates to small business owners and taxes the City would receive from tobacco sales.

Councilmember Schwartz requested staff provide a report on the social economic impact of tobacco sales.

Councilmember Coen asked if the proposal would ban smoking or consuming tobacco products for people under 21 as well as the purchase of tobacco products.

Lisa Robertson, City Attorney, stated the proposal does not address consumption of tobacco products.

Councilmember Clear spoke in support of the proposal and stated she believes it would be a good first step towards better health.

Councilmember Jensen asked if the statement “prohibit the possession of tobacco” should be added to the proposal.

Councilmember Hiller asked what the intent of the proposal would be and when the proposal would be presented before the Governing Body for consideration.

Councilmember Ortiz questioned if the City has the authority to pass the proposal and referenced issues mentioned by Spencer Duncan. She stated she supports the proposal; however, she would like to ensure the City would be in compliance with State law.

Brent Trout, City Manager, reported the ordinance would be considered at the December 5, 2017, Governing Body meeting and staff would provide the requested information to the Governing Body as soon as possible.

DISCUSSION regarding legislative priorities identified by the Governing Body to be addressed or monitored during the 2018 Legislative Session was presented.

Whitney Damron, City Lobbyist, provided an overview of anticipated major issues in 2018 including budget/revenue and education. He also highlighted the following points of possible interest to the City of Topeka for the 2018 Legislative Session:

1. Revisit Abandoned Housing Legislation
2. Additional Funding for Mental Health Service Delivery
3. Expanding Sales Opportunities for Certain Liquor Products (6% Alcohol Content by Volume)
4. Changes to the Tax Lid Law
5. Expansion of Medicaid to Help Kansas Hospitals
6. Asset Forfeiture Laws
7. Kansas Department of Transportation (KDOT) New Transportation Plan
8. School Finance Fix
9. Halt any New STAR Bond Projects In Order To Revise the Policy

Councilmember Emerson commented on abandoned houses in the city. He asked if it was possible to streamline the process by taking small steps to expedite the ability for the City to take control of these properties.

Councilmember Harmon stated he understands the desire to enact laws to help solve the abandoned housing issue; however, he was unsure if the State Legislature would support a law specifically relating to heirs of an estate.

Councilmember Jensen stated he understands the role of eminent domain and questioned if the City could take properties through that process as abandoned housing issues are creating serious problems in the community. He asked what kind of incentives would be available to individuals who are willing to rehabilitate houses in core areas.

Whitney Damron reported there are a number of states that strictly regulate eminent domain and individual property rights. He noted the City does have some authority in regards to dangerous structures and discussed potential federal dollars available to use for the purpose of rehabilitating houses up to code standards along with helping people obtain a deed on these types of properties.

Councilmember De La Isla questioned what the State was doing in regards to financial institutions being held accountable for vacant homes and noted State laws make code enforcement very difficult.

Whitney Damron stated fines are assessed to the property not the funding mechanism. He noted many issues come from financial lenders not being located in the state and the inability to follow through with the legal due process associated with the issue.

Councilmember Hiller questioned if the issue would be worth pursuing on a State level because it has been a tough issue for a number of years with no real improvements. She suggested more review be done on the purchase of tobacco products to persons under the age of 21 and property tax sales. She listed the following issues she would like considered for the 2018 Legislative Session:

- 1) Local Elections and Issue of Residency
- 2) Placement of Campaign Signs
- 3) Alcohol – Common Consumption Areas, i.e., Entertainment Districts
- 4) Driver’s Licenses – Recommend 1 to 2 year license period for people over the age of 80 or been in an accident
- 5) Kansas Department of Transportation – not mowing rights-of-way and giving cities the budget authority to ensure all gateways to cities are being taken care of

Mayor Wolgast stated he believes election laws should not be addressed at this time. He advised the need to allow a full election cycle to take place before proposing changes to the current law.

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

Brent Trout, City Manager announced the City of Topeka has been awarded the Innovation Award by the Kansas City Managers Association for the Governing Body meeting previews and recaps filmed by City4; the SW 21st Street and Wanamaker project has been completed; and the City will offer free parking at downtown parking garages on November 24 and 25, 2017, from 6:00 a.m. to 1:00 a.m.

Mayor Wolgast reported Payless Shoe Source laid off 170 employees as of November 16, 2017, and the Greater Topeka Chamber of Commerce and GO Topeka are working closely with those individuals in seeking new employment. He announced the Veterans Administration (VA) plans to fill 140 new positions with an annual salary between \$40,000 and \$70,000 for the Veterans Crisis Hotline, the third VA call center in the nation.

Councilmember Ortiz announced the Annual Community Thanksgiving Dinner would be held on November 23, 2017 at the Kansas Expo Center. She requested the City add a language clause in all construction contracts that would allow the City to fine contractors that do not

complete projects on time. She announced the Fremont Hill project was complete and looks great; however, she questioned the sidewalk installation on the west side of the street.

Councilmember Emerson congratulated Shawnee Heights High School Cheerleading Squad for winning the Kansas High School Activity Association 5A State Cheerleading Competition.

Councilmember De La Isla encouraged those who are in need of mental health services to contact a local organization for support during the holidays. She asked the community to be mindful of those in need during the holiday season and express more kindness to others.

Councilmember Jensen encouraged everyone to remember those that are less fortunate during the upcoming holidays.

Councilmember Schwartz announced the Topeka Zoo would be holding "Giving ZOOday" in partnership with #GivingTuesday on November 28, 2017. She stated for every Friends of the Topeka Zoo Membership purchased, a gift would be given to a family in need by FOTZ.

Councilmember Hiller encouraged people to express kindness during the holiday to those less fortunate. She announced the Miracle on Kansas Avenue Christmas Parade on November 25, 2017, as well as Small Business Saturday and Giving Tuesday on November 28, 2017.

Rose Welch, Sarah Oglesby and Oshara Hayes appeared to speak under public comment.

Councilmember Harmon 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, including 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, City Manager Brent Trout, Deputy City Manager Doug Gerber, Administrative and Financial Services Director Nickie Lee, City Attorney Lisa Robertson and Associate City Attorney Nick Jefferson. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

Following a 15 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 9:20 p.m.

Brenda Younger
City Clerk