

Governing Body Minutes – December 12, 2017

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, December 12, 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, Chris Stewart, The Bridge of Topeka Program, gave the invocation.

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

A PRESENTATION on the Refuel Topeka Partners Association was presented by Mayor Larry Wolgast. He recognized Valerie Nicholson, Watson President and Harvesters Chief Executive Officer; Jessica Lehnherr, United Way Greater Topeka President and Chief Executive Officer; and Dr. Tiffany Anderson, Unified School District 501 Superintendent.

A PRESENTATION on the City of Topeka Snow and Ice Removal Plan was presented by Jason Peek, Public Works Director.

BOARD APPOINTMENT recommending the reappointment of James Parrish to the Downtown Business Improvement District Advisory Board for a term ending January 2, 2020, was presented.

Councilmember Schwartz moved to approve the board appointment. The motion seconded by Councilmember De La Isla carried unanimously. (8-0-0)

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of December 5, 2017, was presented.

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

Business Name

Flamingo Bar & Grill
Gayle's
Lazy Toad
Sasnak

Address

2335 NW Clay Street
600 NW Paramore
5331 SW 22nd Place, #2
1834 NW Topeka Boulevard

APPROVAL of a Cereal Malt Beverage License application for Sasnak located at 1834 NW Topeka Boulevard was presented.

Councilmember Clear moved to approve the consent agenda. The motion seconded by Councilmember Coen carried unanimously. (9-0-0)

ORDINANCE NO. 20101 introduced by City Manager Brent Trout, approving and adopting certain amendments to the operating budget for the City of Topeka for the year 2017, and appropriating the amounts for the purpose as set forth therein was presented.

Brent Trout, City Manager, reported the public hearing was conducted on December 5, 2017, with no one appearing for comment.

Councilmember Clear moved to adopt the ordinance. The motion seconded by Councilmember Emerson 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. 20100 introduced by City Manager Brent Trout, authorizing the City of Topeka, Kansas, to execute an eighth supplemental indenture by and between the City and Corefirst Bank and Trust, Topeka, Kansas, as trustee; authorizing the execution of an eighth supplemental lease by and between the City and the Congressional Home, a Kansas not-for-profit corporation; and authorizing the approving certain amendments in connection with the acknowledgement of parity swap obligations was presented.

Brent Trout, City Manager, reported approval would allow the Brewster Place bonds project to enter into an interest rate swap transaction to hedge its interest rate exposure on the bonds with no liability, general obligation or budgetary impact to the City.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Schwartz 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. 20102 introduced by City Manager Brent Trout, pertaining to an amendment to the text and map of the Topeka Comprehensive Plan for the Tennessee Town Neighborhood Plan was presented. (CPA17/02)

Brent Trout, City Manager, reported approval of the Plan would promote preserving the neighborhood's historic structures, include design guidelines to ensure new construction is compatible and encourage cultural heritage improvements.

Michael Bell, Tennessee Town Neighborhood Improvement Association President, spoke in support of the Plan and thanked those involved in the process.

Councilmember Hiller stated she resides in the Tennessee Town neighborhood. She disclosed that she has consulted with the City's legal department and has been informed there would be no need for her to abstain from voting on the Plan.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember De La Isla 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. 20103 introduced by City Manager Brent Trout, amending City of Topeka Code 3.40.030 establishing a service fee levy for 2018 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section was presented.

Brent Trout, City Manager, reported approval would continue the imposition of business improvement service fees on businesses located within the Capital City Downtown Business Improvement District.

Councilmember Jensen stated he owns a business located within the Capital City Downtown Business Improvement District. He disclosed that he has consulted with the City's legal department and has been informed there would be no need for him to abstain from voting on the ordinance.

Councilmember Hiller 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.

ORDINANCE NO. 20094a introduced by City Manager Brent Trout, reaffirming the adoption of the Redevelopment Project plan for the Wheatfield Village Redevelopment District; establishing an effective date; and rescinding Ordinance No. 20094 was presented.

Brent Trout, City Manager, reported approval would reaffirm adoption of the Wheatfield Village Redevelopment Project Plan and establish an effective date of January 1, 2019.

Lisa Robertson, City Attorney, stated the amended language would add the date of "January 1, 2019" which matches the Tax Increment Finance (TIF) commencement date contained in the development agreement. She reported the clarification of the date would help Shawnee County

officials administer the plan more effectively and would not change any component of the adopted project plan.

Councilmember Coen moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried. Councilmember Clear voted “no.” (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Emerson, De La Isla, Jensen, Schwartz, Coen and Mayor Wolgast -8. Noes: Clear -1. Absent: Harmon -1.

REPORT on the Downtown Comprehensive Parking Plan recommendations was presented.

Brent Trout, City Manager, reported Jason Peek, Public Works Director, would clarify the plans for implementation of the 2018 portion of the Downtown Parking Plan recommendations. He noted the item was deferred from the meeting of December 5, 2017.

Jason Peek, Public Works Director, reported in response to a request for additional information on the Downtown Parking Plan, staff has prepared a table summarizing the implementation activities for 2018 (*See Attachment A*). He stated the table identifies plan implementation activity, anticipated schedule, costs and corresponding funding sources. He noted staff would not take action on the parking plan recommendations until a decision is reached on a gap funding mechanism for establishing a capital repair service fund for parking and eliminating yellow hood meters.

Councilmember Schwartz inquired on the status of the wayfinding signs. She asked if the plan includes wayfinding signs for the entire city or just parking garages; would the wayfinding signs be placed along surrounding interstate highways; if the Request for Proposal (RFP) for the wayfinding signs was distributed to local companies; and if they have considered the quality of signs that would installed.

Councilmember Jensen inquired on the 10-year plan as proposed and if the new garage revenue control system would include a mobile app that would show people what parking spaces are available in real time.

In response, Jason Peek reported the following:

- The parking portion of the wayfinding sign project is only a small component of the overall wayfinding sign project for the entire city.
- The proposed interstate wayfinding signs are still under policy review by the Kansas Department of Transportation (KDOT) on the type of signs they would allow.
- The RFP included a prequalification process to ensure a quality end product and the RFP would be open to all vendors.
- The \$65,000 annual cost for a garage revenue control system would be for a lease purchase agreement that would include upgrades to garage hardware (gate and pavement technology) in 2018, and over the next 10 years. He noted part of the garage control technology ties into counting patrons and utilization of the garages and on-street parking meter rates could include a parking mobile app.

Councilmember Hiller thanked staff for the updated charts and clarification on the plan and funding information. She questioned how the plan would be funded as it will be one of the most critical items the Governing Body will consider for upcoming year. She stated she believes there are two key steps missing from the recommendations that belong in the 2018 work plan; (1) a review by the downtown merchants specifically the parking along S. Kansas Avenue; and (2) educating the public on the plan. She stated City Manager Brent Trout has assured her that these two items would be included in the 2018 work plan. She distributed an amendment to the recommendations as presented by staff. Councilmember Hiller's amendments were as follows: (1) Accept the Downtown Parking analysis and recommendations; (2) Authorize staff to implement what is itemized in the Downtown Parking 2018 Implementation spreadsheet sent to the Council on December 8, 2017; and (3) Set a deadline of October 2018 for staff to present the Governing Body with a fully vetted proposed plan.

Lisa Robertson, City Attorney, stated the amendments could be considered as one motion or separately.

Councilmember Clear asked for clarification on the need for the amendments. She stated she believes staff has already requested what the amendments are trying to accomplish.

Councilmember Hiller stated she believes the Governing Body should decide which of the various 22 recommendations they want to implement along with a timeline to establish a long-term plan.

Brent Trout stated he understands it may be difficult to determine the complete long-term plan without the finance mechanism in place; however, approval would allow staff to move forward with the 2018 recommendations which he believes are accurate recommendations that will result in a solid long-term plan.

Councilmember De La Isla questioned the need for the amendments and noted she believes what staff has requested would accomplish what has been suggested by Councilmember Hiller's first amendment. She stated the remaining two amendments could be accomplished through the administrative direction of the City Manager.

Brent Trout confirmed that he believes approving the Downtown Parking analysis and recommendations as presented would encompass the actions needed to be taken by staff regarding the parking plan - as encompassed in the intent of Councilmember Hiller's first amendment. He stated the remaining two amendments would be handled administratively.

Councilmember Ortiz expressed concern with the policy of courtesy tickets and repeat offenders. She asked staff to reevaluate the policy keeping the need to increase parking revenue in mind.

Councilmember Hiller moved to accept the Downtown Comprehensive Parking Plan recommendations and direct the City Manager to authorize staff to implement what has been itemized in the Downtown Parking 2018 Implementation spreadsheet sent to the Governing Body on December 8, 2017; and set a deadline of October 2018 for staff to present the Governing Body with a fully vetted proposed plan. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

DISCUSSION regarding the use of the 2017 general fund excess fund transfers was presented.

Nickie Lee, Administrative and Financial Services Director, stated the Governing Body approved Resolution No. 8824 which established a policy for reserve balances that requires the governing body authorize the use or transfer of excess unreserved balances. She reported there are projected to be unreserved balances at the end of the 2017 fiscal year that exceed the minimum balance requirements in the General Fund; therefore, staff recommends approving the following items that would otherwise be funded in the 2018 budget year:

1. Final payment of the Topeka Police Department Vehicle Lease - \$222,125.34
2. Transfer to the Fire House Annual Renovation Project (T-131052) - \$321,080

Councilmember Harmon entered the room.

Douglas Smith, Joyce Reevly, Dee Moore, Mariangeles Murphy-Herd and Lorna Boden, JUMP representatives, spoke in support of allocating funds for community housing as a whole and developing a plan to move forward in addressing affordable housing.

DISCUSSION concerning franchise fees for ambulance service; and renewal of the American Medical Response nonexclusive franchise agreement was presented.

Craig Duke, Topeka Fire Chief, reported on the proposed increases in franchise fees related to ambulance services and extension of the American Medical Response (AMR) franchise

agreement for two years to provide ambulance services to City residents. He stated the agreement also requires collaboration between AMR and the Topeka Fire Department to implement a community paramedicine program. He noted Shawnee County contracts with AMR to provide ambulance services and the current AMR franchise agreement with the City expires December 31, 2017.

Councilmember Harmon asked if there has been any discussion regarding the Topeka Fire Department taking over ambulance services and questioned if there are other communities that provide ambulance services and Advanced Life Support (ALS).

Councilmember Emerson asked if the fee increase would cover the expenses of disposables used in first response calls.

Chief Duke reported beginning in July 2018 two engines would have paramedics onboard to provide a better service to the community; there are many communities that provide both services; and the proposed increase in fees would cover the expenses of disposables.

Brent Trout stated staff would continue to analyze and conduct in-depth research on the processes as they move forward with the implementation of an ALS program.

DISCUSSION of proposed utility rate increases was presented.

Bob Sample, Interim Utilities Director, provided a brief overview of utility system assets, watermain breaks, total asset value replacement costs totaling \$3 billion, operation efficiencies realized over the past year; and rate comparison costs with other cities. He reported the proposed changes were presented to various user class groups in the City including industrial, commercial and residential with the input being evaluated and used to make adjustments to potential proposals. He listed the potential rate changes for infrastructure maintenance for 2018 would be

a 6% increase for water, wastewater and stormwater; and a 5% increase per year for water, wastewater and stormwater in 2019 and 2020.

Mayor Wolgast asked what kind of input was received from commercial users and the status of the U.S. Environmental Protection Agency (EPA) regulations. He stated watermain breaks seem to be decreasing the last four years and asked what changes have been made.

Bob Sample reported commercial users understand the City's need to improve aging infrastructure and appreciated the information they received concerning proposed utility rate increases. He stated watermain breaks are dependent on weather changes and the City averages approximately 530 breaks a year.

Councilmember Emerson questioned if the City was under a consent order with the EPA and if it would be difficult to follow the required regulations if the proposed increases were not approved.

Councilmember Coen suggested utilizing a portion of the unreserved balance funds for water infrastructure improvements.

Councilmember Jensen stated he believes the proposed increase would disproportionately affect low-income people; therefore, a sustainable solution should be researched. He encouraged staff to consider implementing a sliding pay scale for low-income customers.

Bob Sample stated the City has implemented the Utility Rate Refund Program and the Water Share Program for those in need of financial assistance for their utilities.

Councilmember Ortiz suggested staff implement a fee structure that would allow citizens to pay only for the water they use. She also commented on the City's utility assistance programs and stated it has been very challenging to try and educate people on the advantages of the grant programs.

Councilmember Hiller expressed the importance of implementing programs that help low-income families pay their bill as opposed to trying to build protection into the overall utility rates to cover the costs needed to provide assistance.

Councilmember Ortiz stated she believes commercial users tend to use more water and pay less than residential customers.

Bob Sample reported the City recently entered into an audit with the EPA regarding the City's Stormwater permit with only a few items remaining that need to be addressed; and a consent order was negotiated with KDHE for the purpose of assisting the City in getting back on track with EPA regulations in regards to water quality before the City discharges into creeks or rivers. He stated staff has initiated a master plan for Water Distribution and Water Pollution Control that includes the drafting of an asset management plan as well as the issuance of an RFP for a rate study over the next 18 to 24 months. He reported a master plan would help determine factors needed to implement improvements to the City's water infrastructure based on fair rates.

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

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

Brent Trout, City Manager, thanked staff involved in assisting the Topeka Zoo with Shannon, the elephant. He commended the Topeka Police and Fire Departments for their participation in community programs that help children shop during the Christmas season. He stated he would submit a summary of the public input he has received for the new Police Chief position to the Governing Body and citizens.

Councilmember Emerson stated the street improvements along SE California Avenue look great and he looks forward to the re-opening of SE California Avenue on December 15, 2017.

Councilmember De La Isla commended the NETReach organization for hosting a Christmas dinner for Hi-Crest families at Avondale East at 6:00 p.m. on December 12, 2017. She encouraged the community to help families in need this season.

Councilmember Jensen encouraged the community to help individuals in need during the giving season.

Councilmember Schwartz thanked the Topeka Fire Department and City employees who assisted the Topeka Zoo with Shannon the elephant.

Councilmember Hiller thanked City Manager Brent Trout for providing the public statement on the Dominique White case. She also thanked the individuals who expressed concern with the issue and want to help the community grow in a positive manner.

Councilmember Ortiz commented on the Topeka Gauchos Basketball Teams portrayed in Topeka Magazine. She thanked constituents for comments received after the Governing Body meeting last week.

Councilmembers Clear and Schwartz left the meeting.

Rose Welch, Yasmari Rodriguez, Marty Hillard, Brian Moore, Hannah Hansen and Sarah Oglesby appeared to speak under public comment.

Marty Hillard extended an invitation to the Governing Body for a Public Forum to be held on December 20, 2017, at 6:00 p.m. at the Topeka-Shawnee County Library Marvin Auditorium located at 1515 SW 10th Street. Discussion would address community concerns regarding accountability, transparency, city leadership, police policy and the death of Dominique White.

Councilmembers De La Isla, Jensen and Hiller stated they would attend the public forum; and Councilmembers Emerson and Harmon stated they were unable to attend the public forum due to a scheduling conflict.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:41 p.m.

Brenda Younger
City Clerk

Attachment A

Downtown Parking 2018 Implementation Plan:

In response to the request for additional information on the Downton Parking Plan, staff has prepared the following table to summarize the implementation activities for 2018. The table identifies plan implementation activity, anticipated schedule, costs, and corresponding funding source:

No	Implementation Activity	Anticipated Schedule (Months =X)				Costs	Funding Sources
		Jan- Mar	Apr- Jun	Jul- Sep	Oct - Dec		
1	Establish Gap Funding Mechanism	XXX	XXX	XXX		NA	NA
2	Acquire Out of State License Lookup Technology		XXX			NA	NA
3	Install Parking Wayfinding	XXX	XXX	XXX		NA	NA
4	Develop Downtown Residential Parking Policy			XXX	XXX	NA	NA
5	Acquire Integrated Back Office Software		XXX			\$ 50,000.00	Parking Operating Fund
6	Increase Oversell in Select Garages	XXX	XXX	XXX	XXX	NA	NA
7	Install Garage Revenue Control System			XXX	XXX	\$ 65,000.00	Parking CIP Project
8	Evaluate and remove underutilized meter locations		XXX	XXX		NA	NA
9	Increase Meter Rates in High Demand Areas			XXX		NA	NA
10	Increase parking Fines			XXX		NA	NA
11	Acquire New Enforcement Technology		XXX			\$ 60,000.00	Parking Operating Fund
12	Replace On-Street Meters in High Demand Areas		XXX	XXX	XXX	\$ 143,000.00	Parking Operating Fund
Total Estimated Implementation Costs						\$ 318,000.00 **	
2018 Budget for Implementation Activities							
CIP Project Parking Garage Systems (Project T-131055.00)						\$ 138,000.00	
Parking Study Implementation						\$ 400,000.00	
Total Authorized Budget						\$ 538,000.00	
Remaining Funds Available						\$ 220,000.00	

** The previous memo dated December 4, 2017, incorrectly listed the total cost of 2018 implementation as \$189,300. This was due to data entry error on the cost to Replace On-Street Meters in High Demand Areas as shown in the comparison below.

Implementation Items	12-4 Memo	Corrected
Acquire Integrated Back Office Software	\$50,000.00	\$50,000.00
Install Garage Revenue Control System	\$65,000.00	\$65,000.00
Acquire New Enforcement Technology	\$60,000.00	\$60,000.00
Replace On-Street Meters in High Demand Areas	\$14,300.00	\$143,000.00
Totals	\$189,300.00	\$318,000.00

As part of 2018 plan implementation, staff would not take action on the following parking plan recommendations until a decision is reached on a gap funding mechanism:

- a **Establish a capital repair reserve fund for parking.** – The Parking Enterprise fund would continue to operate within authorized budget.
- b **Eliminate yellow hooded meters.** The yellow hoods will remain on the side streets until a decision is reached on gap funding mechanisms. Not implementing this recommendation will allow for reconsideration of “free” two hour parking.