

Governing Body Minutes – February 6, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, February 6, 2018. 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, Emerson, Padilla, Jensen, Mays, Coen and Lesser -8. Mayor Michelle De L5a Isla presided -1. Absent: Councilmember Ortiz -1.

AFTER THE MEETING was called to order, Pastor Jayne Ruiz, Westminster Presbyterian Church, provided the invocation.

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

A PRESENTATION on the Topeka Police Department was given by Bill Cochran, Topeka Police Chief.

THE CONSENT AGENDA was presented as follows:

APPROVAL of a Workers' Compensation Settlement in the amount of \$18,488.25 for Kenneth Jones for an injury sustained while engage in normal work duties was presented.

RESOLUTION NO. 8968 introduced by Councilmember Karen Hiller, approving a special event known as the 2018 St. Patrick's Day Street Party was presented.

RESOLUTION NO. 8969 introduced by Councilmember Karen Hiller granting The Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8970 introduced by Councilmember Karen Hiller, granting Faith Family life Centre an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

ORDINANCE NO. 20110 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of December 2, 2017, through December 29, 2017, and enumerating said expenditures therein was presented.

MINUTES of the regular meeting of January 16, 2018, was presented.

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

APPROVAL of the Governing Body Rules and Procedures was presented.

Brent Trout, City Manager, reported Councilmember Ortiz has requested, and staff agrees to withdraw the item from the agenda and place it on the February 13, 2018 Governing Body agenda. He reported Councilmember Ortiz has an amendment she would like to present for consideration.

Upon hearing no objections, Mayor De La Isla announced the item would be withdrawn from the agenda and placed on the February 13, 2018 Governing Body agenda.

APPROVAL of a three-year labor contract effective January 1, 2018, through December 31, 2020, between the City of Topeka and United Workers of Environmental Trades of Topeka, representing employees of the Water Pollution Control Utility Division was presented. (Contract No. 46576)

Jacque Russell, Human Resources Director, reported the Union has ratified the tentative agreement implementing a competency-based pay plan including an allowance for individuals meeting the appropriate parameters as well as a 1.73% increase to the pay matrix in 2018, 3.32% increase in 2019 and 2.89% increase in 2020. She noted approval would also provide for changes to several contract terms.

Councilmember Lesser asked for clarification on progressive discipline compared to immediate suspension and noted some of the items listed, in his opinion, would warrant immediate suspension.

Jacque Russell stated the language for this section precedes her tenure with the City; however, all discipline situations are considered on a case-by-case basis and the language continues to be revised to work towards best business operations.

Councilmember Jensen moved to approve the labor contract. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

DISCUSSION for the purpose of establishing priorities for the 2019 budget on or before the third Tuesday of May; and discussion of grant priorities was presented.

Nick Hawkins, Budget and Performance Manager, highlighted 2018 Budget Accomplishments, the 2019 Proposed Budget Calendar (if no election is needed), 2018 Adopted Priorities and how those priorities will relate to the 2019 Budget Priorities.

Councilmember Jensen asked the Governing Body to consider when setting priorities (1) how it would impact public health; and (2) what would be the role of government.

Councilmember Hiller reminded the Governing Body of the difference between the strategic plan and priorities from the budget priorities.

Councilmember Emerson noted the City has to find \$3.5 million for street improvements in the near future for a total of \$5 million annually.

Councilmember Hiller stated most of the funds found to supplement street improvements last year was a one-time funding source and not renewable; however, the Governing Body will be challenged with finding renewable money for the remaining \$2 million needed to supplement funding for street improvements for the future years.

Sheena Smith, Senior Grants Program Administrator, reported on the grant priorities and activities that typically fall within three categories (1) Infrastructure; (2) Public Safety and (3) Mental Health and Vulnerable Population, which totals over \$7 million in grant revenue with approximately \$3 million in new grant dollars. She reported federal formula grants continue to decrease; however, the City continues to work with community partners to address the anticipated shortfalls and staff will keep the Governing Body updated as it moves forward.

DISCUSSION to establish a policy for tax increment financing (TIF) economic development incentives in the City of Topeka was presented.

Brent Trout, City Manager, stated the Tax Increment Finance (TIF) Policy would be presented for consideration by the Governing Body on an upcoming agenda.

Nickie Lee, Administrative and Financial Services Director, provided an overview of the different types of economic development tools including Industrial Revenue Bonds (IRB), Community Improvement District (CID), Tax Increment Financing (TIF) and Sales Tax Revenue (STAR) Bonds as well as current TIF Districts (College Hill and Wheatfield Village). She highlighted the proposed TIF Policy and the recommended next steps in the process.

Councilmember Emerson encouraged the Governing Body to be more strategic with economic development. He asked if past projects would fall under the new proposed criteria. He spoke in support of an established process; however, he cautioned against a new policy hindering future development.

Nickie Lee reported the proposed policy would exclude many of the specifics other cities include and would be more of a broad policy.

Brent Trout stated the proposed policy would be a starting point and would present an opportunity for developers to better understand the stance of the City.

Councilmember Lesser requested City staff review Section 3 “Policy Guidelines (TIF Project Plans)” and clarify language and the Home Rule in regards to the bidding process and determine whether to include Home Rule language.

Councilmember Hiller commended staff for creating a policy that encompasses the institutional history of past projects and lessons learned.

Henry McClure provided the history of how the College Hill TIF District process transpired.

Marge Ahrens distributed a handout and spoke in support of the proposed policy and the effect a comprehensive policy would have on the overall community economic development.

DISCUSSION concerning regulation of fireworks in the City of Topeka was presented.

Doug Gerber, Deputy City Manager, provided an overview of current City of Topeka Fireworks Regulations, comparison cities and fire service data.

Councilmember Clear asked how many citations are issued annually.

Councilmember Hiller suggested staff compile data from ten years ago or at least two years prior to the legalization of fireworks in regards to safety data and the amount of tickets issued.

Councilmember Jensen stated he believes a ban would not be effective for stopping all forms of fireworks because fireworks are still legal in Shawnee County making it difficult to enforce.

Bill Johnson expressed concern with the types of fireworks allowed to be discharged in city limits and noted the police department needs the manpower to enforce a ban and make fireworks illegal in city limits.

Deborah Edwards stated the Governing Body must consider how they plan to enforce a change in the law.

Rusty Watson spoke in support of the current City of Topeka fireworks regulations and discouraged a change in the law.

Teresa Miller spoke in opposition of the amount of days citizens are allowed to discharge fireworks in city limits and noted public safety should be the City's top priority.

Johnny Jackson spoke in opposition of the types of fireworks allowed in the city limits and the dangers involved.

Dana Hayden spoke in support of a complete ban on fireworks in city limits and stated he believes it continues to be a public safety issue. He encouraged the Governing Body to consider how fireworks affect pets and military veterans.

Marvin Stottlemire spoke in support of a total ban of fireworks in city limits. He encouraged the Governing Body to consider how fireworks affect communities overall including property damage, injuries sustained and the health effects on people and animals.

Renee Hall spoke in opposition of allowing fireworks in city limits and encouraged the Governing Body to consider "firework free zones."

Councilmember Clear spoke in support of banning fireworks in city limits and stated she does not believe the revenue generated would be worth jeopardizing the health of people and animals.

Councilmember Jensen requested a position statement from Shawnee County because he does not believe a ban in city limits would be easy to enforce if fireworks are legal in the county.

Councilmember Hiller distributed a handout titled "Fireworks Outreach Report" highlighting concerns, populations effected, range of recommendations for consideration, ideas from commenters and the point of view of Firework Vendors. She encouraged the Governing Body to make any proposed changes by March 1, 2018.

Councilmember Emerson questioned how to balance and preserve community gatherings while maintaining peaceful fireworks.

Councilmember Coen suggested stopping all discharging of fireworks at 10:00 p.m. and enforcing the law as he believes it would solve many of the concerns.

Councilmember Lesser spoke in opposition of a complete ban on fireworks and asked Topeka Police Chief Bill Cochran to comment on how enforcement of a total ban on fireworks would be handled.

Councilmember Jensen asked how many calls result in citations around the July 4th holiday.

Bill Cochran, Topeka Police Chief, reported calls are prioritized and responded to accordingly and citations are issued; however, a total ban would make it more definable and a City-County partnership would definitely help remedy some of the issues. He noted he has asked staff to research the total number of citations over the last couple of years and report back to the Governing Body.

Councilmember Hiller suggested defining all types of fireworks then determine what types should be banned.

Councilmember Mays asked for clarification on the different classifications of fireworks and the revenue comparison of sales in regards to the dates allowed.

Rusty Watson stated fireworks have become more popular and more people are buying the same products. He noted early sales allow for more education and in turn a safer environment.

Councilmember Coen asked if there is a regulation for those individuals under 18 years of age.

Brent Trout, City Manager, stated enforcement directly relates to who discharges the fireworks and works in a progressive manner.

Mayor De La Isla stated she appreciates the feedback from the Governing Body, City staff and citizens and noted more discussion would occur at the Governing Body meeting on February 20, 2018.

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

Brent Trout, City Manager, announced the City of Topeka was ranked in the top 11% of Open Data efforts across the nation and is one of five cities nationwide that is certified as a “What Works City” which aids the City in evaluating and improving open data practices and performance management programs. He also announced the Capital Improvement Plan Bus Tour is scheduled for February 10, 2018, from 10:00 a.m. to 12:00 p.m.; and the North Topeka Arts District Parking Study would be presented and discussed with NOTO businesses on February 13, 2018. He reported City Street crews have responded to six snow events with a total cost of \$300,003 since January 1, 2018.

Mayor De La Isla announced the East Topeka Learning Center would be complete and start classes in January 2019. She thanked those in the community who have been involved in the “What Works Cities” initiative and emphasized the importance of the program. She stated she attended the Kansas Sexual and Domestic Violence Conference and encouraged everyone to learn about the issue and promote prevention. She thanked the Topeka Police Department and the Shawnee County Sherriff Department for participating in the 2018 Polar Plunge which supports the Special Olympics. She commended City Street crews for their work during recent snow events. She encouraged everyone to continue to work on public safety relationships in the community.

Councilmember Jensen commended City Street crews for their work during recent snow events.

Councilmember Mays commended City Street crews for keeping the streets safe during recent snow events. He recognized Federal Home Loan Bank for their significant investment in the community as well as Genesis Health Club for their multi-million dollar investment.

Councilmember Coen suggested Governing Body members serving on advisory boards or other commissions to provide brief updates to the Governing Body about the issues being discussed.

Councilmember Lesser commended Gary Woodland on his recent win on the PGA Tour at the Waste Management Phoenix Open in Scottsdale, Arizona.

Councilmember Hiller commended City staff for conducting the Capital Improvement Plan (CIP) Open House on February 5, 2018. She reported Grace Med will begin renovations in February 2018 with core work finished by mid-summer 2018.

Councilmember Emerson reported the East Topeka Learning Center bid would close February 8, 2018.

Councilmember Padilla acknowledged longstanding community efforts in helping individuals involved with sexual and domestic violence. He commended the Topeka Police Department for their outreach efforts in the community.

Henry McClure, Deborah Edwards, Kody Stadler and Marty Hillard appeared to speak under public comment.

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

Following a five-minute time period, the Governing Body reconvened into open session and Mayor De La Isla 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 related to contract negotiations, 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; Human Resources Director, Jacque Russell; Outside Counsel, Kim Seten; and Assistant City Attorney, Catherine Walter. The motion seconded by Councilmember Coen carried unanimously. (9-0-0)

Following a 20-minute time period, the Governing Body reconvened into open session and Mayor De La Isla announced no action was taken.

Councilmember Coen moved to recess into executive session for a period of 10 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; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; and Assistant City Attorney Catherine Walter. The motion seconded by Councilmember Hiller carried unanimously. (9-0-0)

Following a 10-minute time period, the Governing Body reconvened into open session and Mayor De La Isla announced no action was taken.

Councilmember Coen moved to extend the Governing Body meeting past 10:00 p.m., as required by Governing Body Rule 5.6; and recess into executive session for a period of 20 minutes to continue 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; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; and Assistant City Attorney Catherine Walter. The motion seconded by Councilmember Lesser carried unanimously. (9-0-0)

Following a 20-minute time period, the Governing Body reconvened into open session and Mayor De La Isla announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 10:25 p.m.

Brenda Younger
City Clerk