

Governing Body Minutes – August 21, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, August 21, 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, Ortiz, Emerson, Padilla, Jensen, Mays, Coen and Lesser -9. Mayor De La Isla 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.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9045 introduced by Councilmember Jeff Coen, granting Christ the King Catholic Church an exception to the provisions of the City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

ORDINANCE NO. 20136 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of June 30, 2018, through August 4, 2018, and enumerating said expenditures therein was presented.

MINUTES of the regular meeting of August 14, 2018, was presented.

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

APPROVAL of Amendment 1 to the Development Agreement with the Downtown Topeka Foundation (City of Topeka Contract No. 45866) in relation to the Downtown Plaza project was presented. (Contract No. 47089)

Doug Gerber, Deputy City Manager, reported in October 2015, the Governing Body approved Resolution No. 8730 granting Transient Guest Tax (TGT) funding for the Downtown Plaza Project, contingent upon approval of a development agreement by the Governing Body,

which occurred on April 4, 2017 (Contract No. 45866). He stated on April 10, 2018, representatives of the Downtown Topeka Foundation presented the Governing Body with an update on the Plaza Project during which they indicated their target for completion was March 2020 with construction to begin in January 2019. He stated that City Manager Trout has executed a Ground Lease Agreement (Contract No. 47081) related to the use of the parking garage located at SE 6th Street and Quincy as well as a Project Responsibilities Agreement (Contract No. 47082) related to the design, construction, maintenance and other responsibilities associated with the Downtown Plaza. He provided an overview of the amendments to Section 4 (Request for Qualifications (RFQ) requirements for management and operation of the Downtown Plaza); Section 7 (project completion in 2020); and Section 8 (termination language of the development agreement).

Kurt Young, Downtown Topeka Foundation (DTF), spoke in support of the proposed amendment and the importance of requiring an RFQ process which would provide the necessary information to determine how they can most effectively manage and operate the Plaza.

Councilmember Ortiz asked if an outside company would be hired to operate the Plaza and if so how it would be funded.

Councilmember Clear asked what it would cost the City to provide utility infrastructure for the Plaza.

Kurt Young stated if it was determined that an outside company should manage the Plaza it would be funded through the Tourism Business Improvement District (TBID) funds and revenue generated by the Plaza.

Doug Gerber reported it would cost the City approximately \$300,000 to provide water, wastewater and stormwater utilities for the Plaza.

Councilmember Jensen spoke in support of the project and commended those that have remained dedicated to the vision of a downtown plaza.

Councilmember Hiller reported she reviewed the contracts signed by the City Manager and expressed her appreciation to City staff and DTF for the detailed arrangements outlined in the agreements as well as their professionalism in handling the project since its inception.

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

RESOLUTION NO. 9046 introduced by City Manager Brent Trout, cancelling the Governing Body meetings on October 16, 2018, and November 6, 2018; and convening a meeting on October 23, 2018 was presented.

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

ACTION regarding the Final Report due on September 1, 2018, was presented.

Councilmember Jensen, Special Committee Chair, provided an update on the Committee process to date. He stated rather than set a date certain for completion of a report and review of the proposed Traffic/Pedestrian Safety Ordinance, the Special Committee's desire was to collaborate with the Public Health and Safety Committee, which was charged with reviewing the proposed Camping Ordinance. He also stated by doing this it would provide for a more coordinated effort and would allow Committee members, City staff and community partners to use their time in a more efficient manner; particularly since the underlying obstacles are similar and the ultimate end goals are virtually the same. He noted following the completion of the Public Health and Safety Committee meeting set for August 27, 2018, the joint committee could convene and elect a chairperson from among its members. He reported the joint committee

would continue to report back every 90 days as set out in the Governing Body Rules, as progress was being made with possible anticipated action items. He stated he believes, given where both committees are in the process, this type of motion would seem appropriate and could be made following Councilmember Ortiz's report from the Public Health and Safety Committee.

Councilmember Clear reported the Homeless Task Force has expressed concern with combining the two issues. She questioned how the two issues are associated and encouraged the Governing Body to determine what problem they are trying to address.

Councilmember Jensen stated they need to solve the problem concerning the "displacement of people" whether it relates to panhandling or camping.

Councilmember Lesser stated there continues to be legal issues associated with these types of ordinances passed by other cities; therefore, they must have options in place for individuals who do not have the ability to comply with the ordinances.

Councilmember Ortiz asked Luther Ganieany, Topeka Police Legal Advisor, to provide comments on the legality of the ordinances. She reported the Public Health and Safety Committee will continue to work on finding a proper solution to the problem.

Luther Ganieany, Topeka Police Legal Advisor, reported staff conducted extensive research and drafted the ordinance based on cities that have been successful in how they enforce the ordinance. He expressed the importance of the activities not being criminalized and making certain there are alternatives in place to address the issue.

Councilmember Jensen stated he believes they all have the same goal - to provide individuals with assistance where needed.

Councilmember Jensen moved to defer the final report until September 4, 2018. The motion was seconded by Councilmember Clear.

Councilmember Hiller questioned the need for additional data on how traffic/pedestrian safety and panhandling are connected as well as additional data on the different situations associated with camping so the Governing Body could make informed decisions. She reminded the Governing Body that committees do not have to make a recommendation if more time was needed to research issues.

The motion to defer the final report until September 4, 2018, carried unanimously. (10-0-0) ACTION regarding the Final Report due on September 1, 2018, was presented.

Councilmember Ortiz, Public Health and Safety (PHS) Committee Chair, announced the next PHS Committee meeting would be held on August 27, 2018, at 3:00 p.m. at the Holiday Building located at 620 SE Madison. She encouraged everyone to attend as there would be a report from the Homeless Task Force.

Pastor Marcus Clark expressed concern with how the homeless problems are affecting the overall aesthetics of the city as it relates to economic development and downtown revitalization. He encouraged those involved to have bigger conversations about how to help manage the problem through viable solutions instead of enabling the problem through tolerance.

Councilmember Ortiz stated the PHS committee was working with other organizations in the research of viable options for safe havens for those individuals struggling with drug, alcohol and mental health issues as well as homelessness.

Councilmember Hiller reported the same problems exist across the nation and in other countries. She encouraged people to give to the organizations that assist individuals in need by providing different types of resources instead of giving cash directly to the homeless or those that panhandle.

Councilmember Ortiz moved to defer the final report until September 4, 2018. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

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

Doug Gerber, Deputy City Manager, encouraged the Governing Body to participate in the survey regarding the preliminary design and configuration of the Council Chambers. He congratulated the Topeka Zoo on the successful birth of a female giraffe.

Councilmember Ortiz announced September 15, 2018, would be the Classic Movie Nites in NOTO event along the 800 block of N. Kansas Avenue.

Councilmember Emerson commented on a pilot program Topeka has been selected for as a semi-finalist at Highland Park High School which pairs students with people over the age of 50.

Councilmember Padilla encouraged people to register to vote, become informed on the candidates and vote in the November General Election.

Councilmember Lesser thanked Jason Peek, Public Works Director and City staff for resolving a street safety issue near Topeka West High School before the start of the school year.

Councilmember Hiller announced the grand opening of the Grace Med facility located at 1400 SW Huntoon. She also commended the individuals involved in the Brown v Board Mural at 1515 SE Monroe.

Councilmember Clear encouraged City staff to purchase a duck on the Governing Body team for Sertoma's Great Topeka Duck Race on September 15, 2018.

Virginia Mendez, Deborah Edwards, Aaron Edwards and Claude Belshe appeared to speak under public comment.

Councilmember Ortiz moved to recess into executive session for a period of time not to exceed 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; Deputy City Manager, Doug Gerber; Chief of Litigation, Shelly Starr; Associate City Attorney, Nick Jefferson; Budget Manager, Nick Hawkins and City Attorney Lisa Robertson. The motion seconded by Councilmember Jensen carried. Councilmember Lesser did not vote. (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 Jensen moved to recess into executive session for a period of time not to exceed 15 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; Deputy City Manager, Doug Gerber; Chief of Litigation, Shelly Starr; Associate City Attorney, Nick Jefferson; Budget Manager, Nick Hawkins and City Attorney Lisa Robertson. 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 De La Isla announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:50 p.m.

Brenda Younger
City Clerk