

Governing Body Minutes – November 13, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, November 13, 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, Mays, Coen and Lesser -8. Deputy Mayor Jensen presided -1. Absent: Mayor De La Isla -1.

AFTER THE MEETING was called to order, Dr. Terry Kitson, Central Church of Christ, provided the invocation.

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

A PRESENTATION on the 3rd Quarter Financial Report was presented by Nick Hawkins, Interim Administrative and Financial Services Director.

A PRESENTATION on the 3rd Quarter Planning Report was presented by Bill Fiander, Planning Director.

BOARD APPOINTMENT recommending the appointment of Barbara Boudreaux to the Topeka Board of Zoning Appeals to fill a three-year term ending December 1, 2021, was presented.

BOARD APPOINTMENT recommending the reappointment of Lisa Stubbs to the Metropolitan Topeka Airport Authority Board for a three-year term ending December 1, 2021, was presented.

BOARD APPOINTMENT recommending the appointment of Sharon Bedolla to the Juvenile Corrections Advisory Board for an unexpired term ending August 17, 2019, was presented.

BOARD APPOINTMENT recommending the appointment of Angel Zimmerman to the Downtown Business Improvement District Advisory Board for an unexpired term ending November 1, 2020, was presented.

BOARD APPOINTMENT recommending the appointment of Jeff Carson to the Downtown Business Improvement District Advisory Board to fill an unexpired term ending October 1, 2020, was presented.

BOARD APPOINTMENT recommending the appointment of Michael Wilson to the Downtown Business Improvement District Advisory Board to fill an unexpired term ending October 1, 2020, was presented.

BOARD APPOINTMENT recommending the reappointment of Vince Frye to the Topeka Tourism Business Improvement District Advisory Board for a term ending January 1, 2021, was presented.

Councilmember Emerson moved to approve the board appointments. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9058 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. 8959 was presented.

RESOLUTION NO. 9059 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. 8960 was presented.

MINUTES of the regular meeting of October 23, 2018, was presented.

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

AUTHORIZING a public hearing for December 4, 2018, for the purpose of hearing and answering objections of taxpayers relating to the proposed amendments to the 2018 Operating Budget was presented.

Nick Hawkins, Interim Administrative and Financial Services Director, reported the proposed amendments in the Tax Increment Financing Fund, Special Alcohol Fund, Law Enforcement Fund, SE 29th Community Improvement District Fund and Information Technology Fund would increase the adopted 2018 City of Topeka Operating Budget by \$574,000.

Councilmember Hiller expressed concern with the increases to the Law Enforcement Fund (an increase of \$23,000) and the Information Technology Fund (an increase of \$300,000) and requested not to include the increases in the budget amendment.

Brent Trout, City Manager, reported staff was reviewing the Law Enforcement Center fencing options and the increase to the Information Technology Fund would provide needed flexibility in regards to the purchase and installation of computers as well as other end of the year items.

Doug Gerber, Deputy City Manager, stated the public hearing notice could be amended at this time or on December 4, 2018, when the public hearing was scheduled to be conducted.

Councilmember Ortiz moved to defer approval of the public hearing notice for one week. The motion seconded by Councilmember Emerson failed. Councilmembers Clear, Padilla, Mays and Deputy Mayor Jensen voted “no.” (5-4-0)

Councilmember Clear moved to approve the public hearing date of December 4, 2018, and authorize the publication of the public hearing notice in the official City newspaper. The motion seconded by Councilmember Padilla carried unanimously. (9-0-0)

ORDINANCE NO. 20151 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 1329 SW Woodhull Street from “R-1” Residential District to “O&I-2” Office and Institutional District was presented. (Z18/05)

Bill Fiander, Planning Director, reported approval of the proposed zoning change would allow the expansion of existing parking and reduce conflicts with the parking needs of surrounding residents. He stated no opposition has been expressed by neighborhood residents and required landscaping and setbacks would mitigate the adverse effects of expanded parking. He reported the Planning Commission and Planning Department are recommending approval.

Councilmember Clear moved to adopt the ordinance. The motion was seconded by Councilmember Coen.

Deputy Mayor Jensen stated prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and impartially consider the measure based only upon the evidence provided on the record. The record includes: the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

No ex parte communications were declared by Governing Body members.

The motion to adopt the ordinance carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, and Lesser -9. Absent: Mayor De La Isla -1.

ORDINANCE NO. 20152 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, by providing for certain changes in zoning on property located at 121 and 125 N. Kansas Avenue from “I-2” Heavy Industrial District to “D-3” Downtown District was presented. (Z18/06)

Bill Fiander, Planning Director, reported the proposed zoning change would accommodate the conversion of the buildings for residential use due to the second floor of the building at 125 N. Kansas Avenue being converted to residential apartments in 2018. He stated a business owner expressed concerns related to future conflicts that may arise as more residents move into the industrial area and the uncertain timing and impact of the future Polk Quincy Viaduct construction. He reported the Planning Commission and Planning Department are recommending approval.

Councilmember Hiller moved to adopt the ordinance. The motion was seconded by Councilmember Coen.

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Councilmembers Hiller and Ortiz declared ex parte communications.

The motion to adopt the ordinance carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen and Lesser -9. Absent: Mayor De La Isla -1.

ORDINANCE NO. 20153 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, by providing for certain changes in zoning on property located at 1834 SW Topeka Boulevard and 312 SW 19th Street from “I-1” Light Industrial District to “C-4” Commercial District was presented. (Z18/07)

Bill Fiander, Planning Director, reported the proposed zoning change will provide for removal of the existing building and construction of a car wash. He noted the property has been a part of the Sharp Honda auto dealership which was relocating to a new facility. He stated no opposition was expressed by area residents and the Planning Commission and Planning Department are recommending approval.

Councilmember Ortiz moved to adopt the ordinance. The motion was seconded by Councilmember Padilla.

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No ex parte communications were declared by Governing Body members.

The motion to adopt the ordinance carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen and Lesser -9. Absent: Mayor De La Isla -1.

REVISED PROJECT BUDGET in the amount of \$969,430 and RESOLUTION NO. 9060 introduced by City Manager Brent Trout, amending and authorizing the project budget approved by Resolution No. 8888 for Improvement Project No. T-131052.00 which provides for the 2018 Fire Station Renovation Project was presented.

Jason Peek, Public Works Director, reported staff continues to take a holistic approach to renovate fire stations, instead of trying to maintain pieces of systems that are old and obsolete. He stated the renovation includes addressing code compliance and safety issues; a 2nd floor addition; remodel of the kitchen and living areas as well as the inclusion of gender-neutral sleeping areas, locker areas and bathrooms.

Councilmember Clear expressed concern with repairing only one station per year and how to prevent older fire stations from deteriorating even further.

Jason Peek reported maintenance of City buildings have been deferred for years; however, staff will prioritize the repair of buildings including the historic nature of buildings providing a comprehensive schedule for asset management that would disrupt operations as little as possible.

Councilmember Ortiz reported the repairs are long overdue and expressed concern with making certain the proper tools and facilities are provided for firefighters to perform their duties.

Councilmember Hiller expressed concern with the allocation of dollars in comparison to past and future Capital Improvement Program (CIP) dollars and how much funding was taken away from other fire station projects. She questioned the finalization of the Fire Station Master Plan

and how it relates to the project as well as future repairs.

Doug Gerber, Deputy City Manager, reported additional cash for the project was reallocated using cash previously identified and authorized in the 2017 and 2019 CIPs.

Brent Trout, City Manager, expressed the importance of the project. He stated staff has been working on a strategic plan that would determine best practices in regards to operational needs in the future.

Councilmember Ortiz moved to approve the revised project budget and resolution. The motion seconded by Councilmember Emerson carried unanimously. (9-0-0)

UPDATE on City Hall Renovation Project and DISCUSSION about future project budget amendments was presented.

Doug Gerber, Deputy City Manager, reported the approach to the renovation was comprehensive and staff evaluated current and future needs of building operations including synergies between City divisions and space needs of building occupants.

Councilmember Lesser asked what work has been completed to date and if staff has considered different options including construction of a new building due to the increased project budget proposal. He expressed concern with the additional items now being proposed in the project which were not included in the original project budget.

Doug Gerber reported the fire line has been replaced along with design work and assessments as well as ADA accessibility needs and chiller work has been completed.

Brent Trout, City Manager, stated the purpose of the discussion was to determine if the Governing Body supports moving forward with a total renovation of the building or continue with the original project and concentrate on renovating only the building core.

Jason Peek, Public Works Director, noted the original proposal was conducted from a

planning perspective and not a detailed perspective. He also noted the assessment of the stone work showed more than a 50% increase in work than originally anticipated.

Deputy Mayor Jensen asked what amount of tax credits would be generated from the project.

Doug Gerber reported construction of a new building has not been considered; and approximately \$3 million in tax credits could be applied to the renovation of the Municipal Building.

Deputy Mayor Jensen stated the City would still have to renovate and maintain heating and cooling for the Topeka Performing Arts Center (TPAC) building if City Hall was relocated to a new building.

Councilmember Clear spoke in support of a progressive city and the need to preserve historical buildings. She expressed her disappointment with deferring building repairs for so long.

Councilmember Mays stated City Hall could be re-purposed for other uses and an efficient municipal government could operate from another location. He reported many of his constituents have expressed opposition to renovating the Municipal Building. He spoke in support of considering other options as he believes the proposed project budget was too excessive.

Councilmember Hiller reported her constituents spoke in support of the renovation; however, she was concerned with how the project would be funded. She stated she believes the discussion was a good start to the consideration of different options and possibilities.

Councilmember Padilla expressed concern with losing continuity with the new downtown plaza and downtown revitalization and spoke in support of renovating the Municipal Building in phases to allow what was really needed to be considered.

Jason Peek reported the current City Hall renovation project was a result of changing from a reactive maintenance approach to a systematic facility planning approach including timely repairs and replacements to the building along with improving efficiency of operations and utilization of space. He stated the original City Hall project would only address failing mechanical and plumbing systems; however, as the design process evolved, modifications to the repair project became necessary because of the required extensive demolition within the building to replace plumbing and mechanical systems. He commented on the assessments staff used in 2016 to establish the current Municipal Renovation Project and the project budget of \$8.2 million approved by the Governing Body in 2017. He noted staff hired KBS Constructors, Inc., Treanor HL and Bartlett & West to develop plans and renovate the Municipal Building.

Vance Kelly, Treanor HL, reported the approach to the renovation was comprehensive and the design team evaluated current and future needs of building operations. He stated Treanor HL completed a historic assessment to ensure design maximized tax credit eligibility and respected the history of the building. He noted the mechanical, electrical and plumbing design reflects best practices for sustainability and reducing energy costs. He commented on the proposed design which reflects opportunities identified during the design process to improve City operations and maximize utilization for the building.

Jeff White, Columbia Capital, reported the City currently was in better financial shape than it has been in years. He stated he understands the difficulty in making these types of fiscal decisions; however, costs will continue to increase over time.

Councilmember Emerson questioned what could be accomplished with the existing budget (\$8.2 million). He stated he believes the project design was extravagant and noted there other more pressing needs throughout the city that they are currently struggling to fund.

Councilmember Lesser spoke in support of a drastically scaled back project budget that falls within the original project budget of \$8.2 million and noted he believes the new proposal was excessive and not a necessity.

Councilmember Ortiz spoke in support of making only the necessary repairs such as HVAC and stone work. She requested a list of the necessary repairs and the costs associated with those repairs.

Councilmember Padilla stated he believes the Municipal Building was part of the downtown revitalization effort and they should take pride in the historical building; however, he encouraged staff to provide updates as the project moves forward and remain mindful of excessive proposals.

Councilmembers Hiller and Jensen suggested creating public-private partnerships in regards to the proposed community spaces within the Municipal Building.

Councilmember Clear stated citizens are proud of the city and the Municipal Building should be considered a historical focal point.

Brent Trout stated staff will continue to research the needs of the building and explore other options. He noted if it was determined some items are not a priority, staff will adjust the proposal accordingly.

Doug Gerber stated he welcomes additional feedback over the next couple of weeks so that staff could review all options in order to balance the ideas that have been presented by Governing Body members.

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

Brenda Younger, City Clerk, gave a brief overview of the November 23, 2018, Governing Body agenda.

Brent Trout, City Manager, congratulated the Topeka Fire Department on winning the 2018 Battle of the Badges and recognized the Topeka Police Department, Shawnee County Sheriff's Office and Kansas Highway Patrol for their participation to raise funds for the Special Olympics. He announced the City's final pitch for the Encore Gen2Gen prize would be held November 14, 2018, at 11:25 a.m. and could be viewed on the Encore.org Facebook page. He also announced a City of Topeka survey concerning the proposed Neglected Building Registration will be mailed to residents on November 14, 2018.

Councilmember Padilla thanked everyone that participated in the 2018 elections.

Councilmember Coen announced Harvesters, a local food bank, was hosting the annual Can-struction competition event at Fairlawn Plaza now through December 19, 2018.

Councilmember Lesser announced Casa of Shawnee County would host the 2018 Homes for the Holidays event on November 17-18, 2018.

Councilmember Hiller thanked citizens for participating in the 2018 elections. She congratulated Laura Kelly on being elected as Kansas Governor and Bill Riphahn for being elected to the Shawnee County Board of Commissioners. She also congratulated the Topeka Police Department Crisis Intervention Team Behavioral Health Unit on being awarded the Public Safety Award by the League of Kansas Municipalities. She gave an update on the property located at 1200 SW Taylor Street.

Councilmember Clear announced Sole Reason was accepting donations of new sneakers to provide to school-age children in need and referenced www.solereason.net for more information. She also announced Nathan Harmon would be speaking at Hayden High School on November 15, 2018; and the Sheep Dog Impact Assistance Kansas Chapter would hold a Turkey Trot for Heroes event on November 22, 2018, at the Combat Air Museum starting at 8:30 a.m.

Councilmember Ortiz distributed fire safety and prevention information to Governing Body members.

Sam Reilly appeared to speak under public comment.

Councilmember Ortiz moved to extend the meeting past 10:00 p.m. The motion seconded by Councilmember Lesser carried. Councilmember Clear voted no. (8-1-0)

Councilmember Emerson moved to recess into executive session for a time period not to exceed 20 minutes to discuss acquisition of real property as justified by K.S.A. 78-4319(b)(6). In order to aid the discussion the following individuals should be present: Governing Body members; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Interim Administrative and Financial Services Director, Nick Hawkins; Public Works Director, Jason Peek; Utilities Director, Bob Sample; Deputy Utilities Director, Braxton Copley and City Attorney, Lisa Robertson. The motion seconded by Councilmember Coen carried unanimously. (9-0-0)

Councilmember Clear left the room.

Following a 20 minute time period, the Governing Body reconvened into open session and Deputy Mayor Jensen announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 10:00 p.m.

Brenda Younger
City Clerk