

Governing Body Minutes – February 12, 2019

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, February 12, 2019. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Hiller, Ortiz, Emerson, Padilla, Jensen, Mays, Coen and Lesser -8. Deputy Mayor Sandra Clear presided -1. Absent: Mayor Michelle De La Isla -1.

AFTER THE MEETING was called to order, Reverend Richard Rounds, Love Abiding Church of God in Christ, gave the invocation.

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

A PRESENTATION on the Strengthening Police and Community Partnerships was presented by Topeka Police Chief Bill Cochran and Edward Collazo, Mediator and Facilitator of Breakout Sessions.

A PRESENTATION on the 2018 Annual Development and Growth Management Report was presented by Bill Fiander, Planning and Development Director.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9068 introduced by Councilmember Karen Hiller, approving a special event known as the Country and Food Truck Festival was presented.

RESOLUTION NO. 9069 introduced by Councilmember Karen Hiller, approving a special event known as the Rock and Food Truck Festival was presented.

RESOLUTION NO. 9070 introduced by Councilmember Karen Hiller, approving a special event known as the Jazz and Food Truck Festival was presented.

RESOLUTION NO. 9071 introduced by Councilmember Karen Hiller approving a special event known as the Sunshine Reggae Festival was presented.

RESOLUTION NO. 9072 introduced by Councilmember Karen Hiller approving a special event known as the Cruisin' the Capitol Car Show was presented.

RESOLUTION NO. 9073 introduced by Councilmember Karen Hiller, granting Greater Topeka Partnership an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9074 introduced by Councilmember Karen Hiller, granting Greater Topeka Partnership an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9075 introduced by Councilmember Karen Hiller, granting Greater Topeka Partnership an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9076 introduced by Councilmember Karen Hiller, granting Greater Topeka Partnership an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9077 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.

MINUTES of the regular meeting of February 5, 2019, were presented.

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

RESOLUTION NO. 9078 introduced by City Manager Brent Trout, providing notice of a public hearing concerning the establishment of a Tax Increment Financing (TIF) District within

the City (Sherwood Crossing/Villa West) pursuant to K.S.A. 12-1770, et seq., as amended was presented.

Brent Trout, City Manager, stated approval would set a public hearing date of March 19, 2019, to consider the establishment of a Tax Increment Finance (TIF) District at the northwest corner of SW 29th Street and SW Wanamaker Road for the Sherwood Crossing Development.

Doug Gerber, Deputy City Manager, reported the developer has requested assistance from the City of Topeka in the redevelopment of the property through the use of tax increment financing as well as they plan to request a community improvement district (CID). He stated the plan to establish the TIF district continues to be developed and will take place in multiple phases with the first step approving a resolution which sets the date for a public hearing on the matter. He stated after the public hearing, the Governing Body may adopt an ordinance establishing the redevelopment district, followed by the adoption of a detailed project plan and approval of a development agreement by the Governing Body.

David Christie, developer, spoke in support of the development and asked the Governing Body to approve the resolution and allow them to move forward with the project.

Councilmember Hiller expressed concern with the process and lack of information the Governing Body has received to date. She stated when the TIF Policy was created and criteria were carefully drafted, it was the intent of the Governing Body to be involved and fully informed on the process from start to finish. She commented on the many private investments that have recently taken place throughout the city and questioned whether developers should bear the financial responsibilities of their developments. She stated she would oppose setting the public hearing at this time and believes it should be postponed until information can be obtained to make an informed decision.

Brent Trout stated the purpose of the TIF Policy was to establish areas that may need to be developed. He noted a considerable amount of information has been received about the project and the developer has made it known what the plan will be for the development.

Doug Gerber stated the procedure referenced by Councilmember Hiller refers to the project plan aspect which has not yet been reached. He noted the project would be considered infill development because it would be considered a blighted area that will bring businesses to an area that provides neighborhood services.

Councilmember Lesser moved to approve the resolution. The motion seconded by Councilmember Jensen carried. Councilmembers Hiller and Emerson voted “no.” (7-2-0)

CHARTER ORDINANCE NO. 118 introduced by City Manager Brent Trout, amending City of Topeka Charter Ordinance No. 115, Section 1, as codified at Section A9-2 of the Topeka Municipal Code was presented.

Brent Trout, City Manager stated the item was discussed at the December 4, 2018, Governing Body meeting. He reported approval of the charter ordinance would approve a 4.2 mill levy and allow the City to exclude TMTA’s revenues and expenses when determining the City’s aggregate limit for property taxes.

Trey George, Topeka Housing Authority, spoke in support of the proposal and the great services provided by TMTA.

Rickquette Cain-Eason spoke in support of the proposal and commended TMTA for their services and new bus shelters throughout the city.

Efren Mazas, TMTA Employee Union President and Bus Driver, spoke in support of the ordinance and expressed the importance of maintaining buses. He noted some services would have to be cut if funding was not increased.

Councilmember Emerson questioned if the Union would be willing take a cut in pay if necessary.

Councilmember Lesser asked if the Union thought costs could be reduced in certain areas.

Councilmember Ortiz encouraged everyone to review the studies conducted regarding the use of bicycles and other after hour services that are currently not available. She thanked TMTA for taking children to school and the many other services they provide.

Councilmember Jensen asked what the challenges are in recruiting new bus drivers.

Efren Mazas stated he could not speak for the Union regarding pay; he does believe there are certain areas that could be condensed; and the hiring of bus drivers can be a challenge because the job tends to be stressful.

Michaela Saunders distributed an article from citylab.com and spoke in support of the services provided by TMTA and the importance of shaping a strong public transit system for now and in the future.

Andrea Engstrom spoke in support of TMTA and the services they provide. She stated this was a workforce and economic development issue as it supports people who use the buses as a main resource to travel to work.

Tobias Schlingensiepen spoke in support of the efforts by the Topeka Police Department for the Strengthening Police and Community Partnerships Program; however, this was an equally important issue that supports economic development and planning for the community.

Jennifer Church spoke in support of increasing funding for TMTA and believes transportation was extremely important for a city to stay connected and attract young professionals. She suggested more frequent services be made available on evenings and weekends.

Sara O’Keeffe spoke on behalf of Brett Martin. She stated Mr. Martin was thankful for the services provided by TMTA and expressed the importance of the essential services (bus and bike share program) and the effects it has on many families throughout the city. She commented on the greater vision to expand services based on public feedback.

Greg Buchanan spoke in opposition of increasing taxes and suggested consolidating TMTA with the City and reducing expenses by operating buses on natural gas. He questioned how the proposed increases would be used.

Brittney Kearsse spoke in support of TMTA services and encouraged the Governing Body to support the proposal as it was a vital service for the community.

Councilmember Coen asked what services would be cut if the mill levy increase was not approved.

Councilmember Jensen asked how it would impact ridership if fares are increased.

Councilmember Hiller requested TMTA provide an overview of how funds are spent.

Susan Duffy, TMTA General Manager, stated TMTA has not identified the exact routes that would be eliminated as it will be discussed by the Board; however, public hearings would be conducted as required by federal regulations. She reported 1/3 of the funds generated from the increase would go towards fleet replacement costs; the bulk of the funds would be allocated towards more services as outlined in the Long Range Transportation Plan. She stated they would plan to increase services for evenings and weekends and continue to explore options to provide better service in the city.

Deputy Mayor Clear stated many of her constituents do not want a tax increase; however, they do support TMTA services and believe some expenses could be eliminated without hindering current services.

Councilmember Jensen stated he understands the concerns raised by citizens; however, he believes they need to invest in TMTA to help citizens build a better life and connect the community.

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

Councilmember Jensen moved to amend the charter ordinance on line 15 to replace “four and two-tenths (4.2) mills” with “five and two-tenths (5.2) mills.” The motion was seconded by Councilmember Padilla.

Councilmember Hiller spoke in support of the amendment and stated she believes TMTA services attract young professionals from an economic development stance as well as impact downtown development.

Councilmember Ortiz spoke in support of the amendment and stated she believes services should be expanded for people to get to and from work and provide access to all areas of the city. She noted Susan Duffy continues to think outside the box and works to make services better and more efficient.

Councilmember Padilla stated many of his constituents support the increase because transit services bring social value to the community.

Councilmember Emerson spoke in support of TMTA’s services; however, he opposes the tax increase as do many of his constituents.

Councilmember Mays stated his constituents oppose the tax increase; however, he personally supports the increase due to the great services provided by TMTA. He suggested a compromise be proposed that would include a smaller tax increase.

The motion to amend the charter ordinance on line 15 to replace “four and two-tenths (4.2) mills” with “five and two-tenths (5.2) mills” failed. Councilmembers Emerson, Mays, Coen, Lesser and Deputy Mayor Clear voted “no.” (4-5-0)

Councilmember Mays moved to amend the charter ordinance on line 15 to replace “four and two-tenths (4.2) mills” with “four and seven-tenths (4.7) mills.” The motion was seconded by Councilmember Jensen.

Councilmember Lesser stated he would prefer to find a compromise that would include restructure of the Bike Share Program, restructure of administrative staff and a small rate increase.

Councilmember Jensen noted the increase would not go into effect until 2020, providing sufficient time for TMTA to make adjustments in service and operations if directed to do so by the Governing Body as a stipulation of increased funding.

Councilmember Ortiz stated she believes it was the duty of elected officials to consider all citizens of the community and noted TMTA has not asked for a funding increase in over a decade.

The motion to amend the charter ordinance on line 15 to replace “four and two-tenths (4.2) mills” with “four and seven-tenths (4.7) mills” failed. Councilmembers Emerson, Coen, Lesser and Deputy Mayor Clear voted “no.” (5-4-0)

The motion to adopt the charter ordinance carried. Councilmember Ortiz voted “no.” (8-1-0)

The charter ordinance was adopted on roll call vote as follows: Hiller, Clear, Emerson, Padilla, Jensen, Mays, Coen and Lesser -8. Noes: Ortiz -1. Absent: Mayor De La Isla -1.

DISCUSSION for the purpose of establishing priorities for the 2020 budget on or before the third Tuesday of May, and discussion of grant priorities was presented.

Nick Hawkins, Administrative and Financial Services Interim Director, stated pursuant to City Code, the City Council must set priorities for the budget preparation on or before the third Tuesday of May each year (May 21, 2019). He provided an overview of the 2018 accomplishments in regards to Investing in Infrastructure; Continuing a Commitment to Public Safety; Continuing a Commitment to Developing Neighborhoods; Selected Strategic Investments towards Quality of Life and Improving Performance and Cost-Effectiveness. He discussed the anticipated 2020 budget issues that involve Fleet and Facilities; salary and benefit growth; continued funding for street improvements; and the property tax lid. He highlighted the 2020 proposed budget calendar with the goal of adopting a budget by August 13, 2019.

Councilmember Emerson asked when the Governing Body would receive the information requested at the February 9, 2019, CIP Special Meeting.

Nick Hawkins reported the information would be distributed as soon as possible.

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

Brenda Younger, City Clerk, gave a brief overview of the February 19, 2019, Governing Body meeting agenda.

Brent Trout, City Manager, announced the City Planning and Development Department would host two public meetings regarding the City's Comprehensive Sign Code Regulations on February 26, 2019, at 1:00 p.m. and 6:00 p.m. at the Topeka-Shawnee County Public Library.

Councilmember Ortiz requested an update on the South Kansas Avenue Bridge be included on a future agenda.

Brent Trout reported when the design was complete it would be placed on a future agenda.

Councilmember Padilla commended the Governing Body and citizens on a robust TMTA discussion to assist the Governing Body in making a difficult decision.

Councilmember Jensen announced the birth of his son, Hunter Roy Jensen, on February 9, 2019.

Councilmember Coen thanked the Governing Body for approving the Sherwood Crossing/Villa West resolution to set the public hearing on March 19, 2019, to move the project forward.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 20 minutes for consultation with the City's legal counsel to discuss employer-employee negotiations related to contract negotiations, as justified by K.S.A. 75-4319(b)(2). In order to aid the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Administrative and Financial Services Interim Director, Nick Hawkins; Human Resources Director, Jacque Russell; Senior Assistant City Attorney, Catherine Walter; Planning and Development Director, Bill Fiander; Development Services Division Director, Richard Faulkner; and City Attorney, Lisa Robertson. 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 Deputy Mayor Clear announced no action was taken.

Councilmember Jensen moved to recess into executive session for a period of time not to exceed 15 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters related to tort claims, as justified by K.S.A. 75-4319(b)(2). In order to aid the discussion, the following individuals were present: Members of the Governing Body; City

Manager, Brent Trout; Deputy City Manager, Doug Gerber; Financial and Administrative Services Interim Director, Nick Hawkins; Human Resources Director, Jacque Russell; Chief of Litigation, Shelly Starr; Outside Counsel, Richard Billings; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Coen carried unanimously. (9-0-0)

Following a 15-minute time period, the Governing Body reconvened into open session and Deputy Mayor Clear announced no action was taken.

Councilmember Coen left the room.

Councilmember Emerson 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 tort claims, as justified by K.S.A. 75-4319(b)(2). In order to aid the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Financial and Administrative Services Interim Director, Nick Hawkins; Human Resources Director, Jacque Russell; Chief of Litigation, Shelly Starr; Outside Counsel, Richard Billings; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Padilla carried unanimously. (8-0-0)

Councilmember Coen entered the room.

Following a 15-minute time period, the Governing Body reconvened into open session and Deputy Mayor Clear announced no action was taken.

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

(SEAL)

Brenda Younger
City Clerk