

Governing Body Minutes – March 5, 2019

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, March 5, 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 and Coen -7. Mayor De La Isla presided -1. Absent: Councilmembers Clear and Lesser -2.

AFTER THE MEETING was called to order, Harry Christian, Asbury Mount Olive United Methodist Church, provided the invocation.

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

AN UPDATE on the Kansas Avenue Bridge repairs was provided by Brian Faust, City Engineer.

Councilmember Jensen requested more information on the cost of traffic control devices.

Councilmember Emerson asked how the City plans to prevent the same problem from occurring in the future.

Councilmember Ortiz asked if the City was taking similar precautions for all bridges located throughout the city and if the signage would cover both the north and south ends of the Kansas Avenue Bridge.

Brent Trout, City Manager, reported staff was considering a staged approach relative to keeping the area clear under the bridge and installing fencing if needed in the future. He noted the City was monitoring all bridges located in city limits.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9080 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. 9081 introduced by Councilmember Sandra Clear, granting Kaw Valley Bank an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9082 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. 9083 introduced by Councilmember Jeff Coen, granting Happy Bassett Brewing Company an exception to the provisions of City of Topeka Code Section 9.45.150 concerning noise prohibitions was presented.

ORDINANCE NO. 20174 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of December 29, 2018, through February 1, 2019, and enumerating said expenditures therein was presented.

MINUTES of the special meeting of February 9, 2019; and the regular meeting of February 19, 2019, were presented.

APPROVAL of Cereal Malt Beverage License applications for Plaza Fusion located at 1401 SW Huntoon Street and Spawn Inn located at 837 SW Fairlawn Road, were presented.

APPROVAL of the following Open After Midnight License applications were presented:

<u>Business Name</u>	<u>Address</u>
California BP	2740 SE California Avenue
Denny's #7268	1500 SW Wanamaker Road
Denny's #7269	3210 SW Topeka Boulevard
Glazed Goose Bar & Grill	5630 SW 29 th Street
Haag's Express	1001 SW Wanamaker Road
Holiday Square Phillips	2901 SW Topeka Boulevard
Hooters	6100 SW 10 th Avenue
Hy-Vee #1658	2951 SW Wanamaker Road
Hy-Vee Gas	6011 SW 29 th Street
IHOP	1731 SW Wanamaker Road
Jeremiah Bullfrog's Bar & Grill	2940 SW Wanamaker Road
Kicks 66	3300 SW Gage Boulevard

<u>Business Name</u>	<u>Address</u>
Kwik Shop #705	1114 NW Topeka Boulevard
Kwik Shop #713	5700 SW 21 st Street
Kwik Shop #720	102 SE 37 th Street
Kwik Shop #757	2619 SW 21 st Street
Kwik Shop #780	2520 SW 6 th Avenue
Kwik Shop #781	4500 SW Topeka Boulevard
Kwik Shop #788	1414 SW 17 th Street
Kwik Shop #789	746 NE Wabash Avenue
Kwik Shop #791	1700 SW Topeka Boulevard
Lazy Toad	5331 SW 22 nd Place #2
Los Charros	4111 SW Gage Center Drive
Moonlight Adult Boutique	4732 SW Topeka Boulevard
Riegel's 20's West	901 SW Fairlawn Road Suite 101
Ryan's Pub	2910 SW Oakley Avenue Suite D
Tailgators	2025 SW Urish Road Suite 108
The Bar N Grill	2121 SW Belle Avenue
The Celtic Fox	118 SW 8 th Avenue
The Foundry	400 SW 33 rd Street

Councilmember Emerson moved to approve the consent agenda. The motion seconded by Councilmember Jensen carried unanimously. (8-0-0)

RESOLUTION NO. 9084 introduced by City Manager Brent Trout, setting the public hearing to consider the advisability of establishing a Community Improvement District (CID) for the Sherwood Crossing/Villa West development at 29th and Wanamaker, pursuant to K.S.A. 12-6a26, et seq., was presented.

Brent Trout, City Manager, reported approval would set a public hearing date of April 2, 2019.

David Christie and Ferd Niemann, 29th Street Partners, L.L.C., spoke in support of the project. They stated they look forward to a transparent process and will provide detailed information on the project at the March 19, 2019, and April 2, 2019, Governing Body meetings.

Councilmember Hiller stated she would prefer the Governing Body and public are fully briefed about the process in detail and assured staff has performed their due diligence in regards to the incentives before they move forward with the TIF and CID projects. She cautioned against

moving ahead with the projects before the details are worked out and encouraged the process to be worked through in a methodical manner.

Councilmember Coen moved to approve the resolution. The motion seconded by Councilmember Mays carried unanimously. (8-0-0)

RESOLUTION NO. 9085 introduced by Councilmembers Tony Emerson, Aaron Mays and Michael Lesser, sitting as the Transient Guest Tax (TGT) Committee, allocating transient guest tax funding to the Sunflower Soccer Association (SSA) was presented.

Councilmember Emerson, TGT Committee Chair, stated in 2012, Transient Guest Tax funding was allocated to pay the costs for two public improvement projects located at the Sunflower Soccer Association (SSA) facility as well as certain annual insurance premiums resulting in excess TGT funds. He reported the Committee recommends approval of the resolution authorizing a proposal to allocate an amount not to exceed \$560,000 to Sunflower Soccer Association for the following projects:

- Championship Field – cost not to exceed \$200,000
- Re-crown existing grass soccer fields – cost not to exceed \$234,000
- Complete perimeter walking trail – cost not to exceed \$60,000
- Outdoor gathering space and fitness area – cost not to exceed \$16,000
- Create additional practice space – cost not to exceed \$50,000

Councilmember Ortiz suggested the Sunflower Soccer Association work with local businesses to distribute information to participants as they enter the stadium to help generate more local revenue as well as charge parking fees to help pay for maintenance and operations of the facility.

Councilmember Mays reported many good discussions took place at the Committee meetings regarding different ideas on how to generate additional revenue to assist in the operations of the facility.

Councilmember Mays moved to approve the resolution. The motion was seconded by Councilmember Emerson carried unanimously. (8-0-0)

UPDATE and possible ACTION on the proposed camping ordinance was presented.

Councilmember Ortiz, Public Health and Safety Committee Chair, reported another meeting will be scheduled in the near future as well as discussions with the City Attorney and Corrie Wright, Housing Services Division Director, to determine a plan. She stated she believes the fire under the Kansas Avenue Bridge and other issues continue to be very concerning and noted the State was working with Impact Avenues and other organizations to help address the homeless problem in the community.

Russell Burton stated approximately 55 homeless persons have been contacted to received Shelter Plus Care Program vouchers which allowed them to obtain shelter during the cold weather as well as other contacts have been made for housing options for homeless recipients. He expressed his appreciation to the Governing Body and City staff for their efforts in helping solve the homeless problem without causing legal ramifications for those involved.

Randy Evans, Sheryl Richardson and Randy Rangel thanked City staff and the Governing Body for their assistance in providing them much needed shelter.

Mayor De La Isla thanked the individuals for speaking to the Governing Body about homeless issues. She stated the City may not have all the resources to fix the homeless problem; however, they will continue to work with community partners on the issue to make it better and offer resources.

Councilmember Ortiz thanked everyone involved in the process which has evolved into a great initiative to help address serious issues in the community.

Councilmember Padilla thanked staff and everyone involved for being patient and allowing them to help work on a resolution to address many issues in the community related to homelessness.

Councilmember Hiller questioned how the Governing Body would like to proceed with the ordinance.

Councilmember Ortiz stated the ordinance will remain in Committee until all information could be reviewed in detail, community organizations are able to partner with the City and provide a safe place for the homeless as required by the proposed ordinance.

UPDATE and possible ACTION on the proposed traffic and pedestrian safety ordinance was presented.

Councilmember Jensen stated the traffic and pedestrian safety ordinance will be delayed until the homeless issues have been addressed and a resolution decided upon. He reported the majority of the individuals working on these issues are volunteers; therefore, they must be mindful of their time and make sure they are not overwhelmed and provided the resources to make sound decisions.

Councilmember Coen referenced the Traffic Safety Map outlining traffic safety accidents included in the agenda packet. He asked for further clarification as to why the downtown area (Topeka Boulevard to Kansas Avenue from SW 4th to 10th Streets) has been rated as a congested area *i.e.* “boxed in.”

Brent Trout, City Manager, reported he would consult with the City Traffic Engineer and report back to the Governing Body.

Councilmember Hiller asked if Special Committee members would serve a one year term in the same manner as all other Council Committees.

Lisa Robertson, City Attorney, reported a term limit was not established for the Special Committee; therefore, the term of service will continue until the issue has been resolved.

DISCUSSION concerning cereal malt beverage and alcoholic liquor regulations was presented.

Mary Feighny, Deputy City Attorney, reported approval of the ordinance would update the cereal malt beverage and liquor ordinances to conform to state law effective April 1, 2019, allowing cereal malt beverage retailers to sell beer containing not more than 6% alcohol by volume. She stated State law also increased City occupation taxes allowed by cities for beer distributors and added three new license categories/occupation tax for caterers, wine distributors and public venues; however, the Governing Body would not have to impose the fees for the new categories.

Councilmember Jensen requested a list of caterers be provided to the Governing Body for their input on the proposed changes.

DISCUSSION of the proposed 2020-2029 Capital Improvement Plan and the 2020-2022 Capital Improvement Budget was presented.

Nick Hawkins, Budget and Performance Manager, reported the proposed CIP would continue the discussion from the February 9, 2019, Special Meeting. He commented on Existing and Projected GO Debt Service (\$27 million cap), Outstanding Debt Over Time through 2039, Existing and Projected GO Debt Service (\$39 million cap) and the 2020-2029 Proposed CIP Calendar.

Councilmember Jensen asked how the long-term financial forecast would affect cash reserves.

Councilmember Hiller referenced the Existing and Projected GO Debt Service graph outlining a \$39 million cap. She questioned how staff anticipates debt service payments will drop over time if the City plans to borrow 30% more each year than they are currently.

Nick Hawkins stated the debt service fund has a healthy balance of 35% and would not drop below the 15% policy cap that has been put into place. He reported the chart was based on a 20-year projection adding \$13 million each year; therefore, the decline in debt payments would not begin until 2041. He noted the trend beginning in 2037 would be \$13 million per year of general obligation bond debt with the assumption borrowing would remain flat.

Councilmember Hiller expressed the importance of the Governing Body considering the financial implications of borrowing \$27 million compared to \$39 million in terms of the amount of money spent on interest.

Brent Trout, City Manager, reported the \$39 million cap over a three-year period was the option staff supported as a maximum level of manageable debt that would allow the City to address infrastructure issues. He noted they anticipate borrowing \$33.9 million for needed projects well under the \$39 million cap.

Councilmember Emerson requested a meeting with City staff to help him better understand how the numbers are calculated and streamline the process.

Nick Hawkins requested amendments be sent to staff in advance of the March 12, 2019, Governing Body meeting to allow staff time to review if proposed amendments would be possible and the outcomes of those amendments. He noted if the process remains on schedule, they will discuss amendments on March 12, 2019, and March 19, 2019, if needed, with proposed adoption on April 2, 2019.

Councilmember Hiller requested the figures being used by staff in terms of what amount was available in the debt service fund to pay the annual payments. She noted she would need these figures before she could propose amendments.

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

Brenda Younger, City Clerk, gave a brief overview of the March 12, 2019, Governing Body agenda.

Brent Trout, City Manager, introduced new Administrative and Financial Services Director, Jessica Lamendola. He commended Corrie Wright, Housing Services Division Director, and staff for their work in providing assistance to the homeless through the Shelter Plus Care Program.

Jessica Lamendola, Administrative and Financial Services Director, thanked the Governing Body for the opportunity and stated she looks forward to working and living in the community.

Mayor De La Isla offered her condolences to the Stephanie Mott family and recognized the important role Ms. Mott played in the community for equal rights for all citizens. She announced the Topeka Youth Council has been implemented and the members are looking forward to working with the Governing Body. She commented on the Downtown Market Study which reflects trends that could support up to 1,000 residences in the downtown core creating affordable housing and also river development. She thanked the Topeka Police and Fire Departments for their assistance during a recent fire incident and reaching out to local residents in the surrounding area.

Councilmember Hiller requested sharing the Downtown Market Study with the public. She offered her condolences to the Stephanie Mott family and recognized the huge impact Ms. Mott had on the community concerning equal rights for all. She commented on the feedback she has

received from residents concerning suggested uses of Westridge Mall including a senior housing community.

Councilmember Ortiz thanked City street crews for their work during recent snow events.

Councilmember Emerson announced his candidacy for Council District No. 4.

Councilmember Padilla commended the Topeka Police Department for their Citizen Academy starting on March 7, 2019. He reported there will be 35 participants and encouraged the Governing Body to visit the academy. He announced he would attend the Safe Streets presentation of the "Person of Character" award honoring recipients Rachel and Madison White.

Councilmember Jensen commended the Public Works staff for their work during recent snow events.

Councilmember Mays commended the Public Works staff for improved street clearing efforts during recent snow events. He thanked staff for conducting informational meetings for construction projects. He also congratulated the Washburn Rural High School Boys and Girls Basketball teams on their seasons as well as the Washburn University Basketball team.

Councilmember Coen requested staff review incentive policies for developers and schedule a meeting with the Governing Body to discuss when these policies will be used in the future.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:47 p.m.

(SEAL)

Brenda Younger
City Clerk