

Governing Body Minutes – March 19, 2019

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, March 19, 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, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen and Lesser -9. Mayor De La Isla presided -1.

AFTER THE MEETING was called to order, Reverend Branson Roberts, First Church of the Nazarene, provided the invocation.

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

OPENING FLAG CEREMONY was conducted by the Topeka Cadets Boy Scout Troop 7580.

BOARD APPOINTMENT recommending the appointment of Bessie Tolbert to the Topeka Sustainability Advisory Board for a term ending March 18, 2021 was presented.

Councilmember Lesser moved to approve the board appointment. The motion seconded by Councilmember Coen carried unanimously. Mayor does not vote. (9-0-0)

THE CONSENT AGENDA was presented as follows:

APPROVAL of a Workers' Compensation Settlement in the amount of \$20,500 for injury the employee sustained while engaged in normal work duties was presented.

DENIAL of a Tort Claim Appeal submitted by Gene Bryant in the amount of \$1,635.83 for alleged damages to a vehicle due to a pothole was presented.

DENIAL of a Tort Claim Appeal submitted by Bruce Dolan in the amount of \$4,124.45 for damages related to an alleged water main leak was presented.

DENIAL of a Tort Claim Appeal submitted by Adrain Lowe in the amount of \$320 for alleged damages to a vehicle due to a pothole was presented.

RESOLUTION NO. 9087 introduced by Councilmember Karen Hiller, granting Cumulus Broadcasting an exception to the provisions of City of Topeka Code Section 9.45.170 concerning noise prohibitions was presented.

RESOLUTION NO. 9088 introduced by Councilmember Karen Hiller, approving a special event known as 2019 Cruisin' the Capitol Car Show and rescinding conflicting portions of Resolution No. 9072, was presented.

MINUTES of the regular meeting of March 12, 2019, were presented.

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

<u>Business Name</u>	<u>Address</u>
Boobie Trap Bar	1417 SW 6 th Avenue
Gage Center Bowl	4200 SW Huntoon Street
McDonald's #317	3117 SW Topeka Boulevard
McDonald's #995	1100 S Kansas Avenue
McDonald's #2018	1201 SW Gage Boulevard
McDonald's #5468	5525 SW 21 st Street
McDonald's #5596	2001 N Topeka Boulevard
McDonald's #7244	2880 SE California Avenue
McDonald's #11387	1640 SW Wanamaker Road
McDonald's #17628	2933 SW Wanamaker Road
Oscar's	1424 SW Lane Street
Pancho's 2	3506 SW Topeka Boulevard
The Pennant	915 S Kansas Avenue
Skinny's Sports Bar & Grill	4016 SW Huntoon Street
Theatre Club of Topeka	3028 SW 8 th Avenue
West Ridge Lanes	1935 SW Westport Drive
Wild Horse Saloon	3249 SW Topeka Boulevard

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

RESOLUTION NO. 9089 introduced by City Manager Brent Trout, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit for Recreation Outdoor Type II facilities including: (1) a paintball course; (2) an obstacle course; and (3) a disc and foot golf course on property formerly known as the North Topeka YMCA

zoned “R-1” Single-Family Dwelling District located at 1936 NW Tyler Street in the City of Topeka, Shawnee County, Kansas, was presented. (CU19/05)

Bill Fiander, Planning and Development Director, reported the applicant has requested to construct and operate an outdoor recreation facility (Type II) to include a paintball course, obstacle course and a disc and foot golf course at the former YMCA at 1936 NW Tyler Street. He stated the proposed outdoor recreational activities are similar to the outdoor activities that have existed on the site for many years. He noted buffer areas exist along all sides of the subject property to reduce the potential impact of noise along with limits on the hours of operation, noise levels and the number of events and participants per event. He stated the Planning Commission recommended approval of the Conditional Use Permit on February 18, 2019, and staff recommends approval.

Mayor De La Isla 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 to indicate that even in light of having engaged in this communication they are able to fairly, objectively and impartially consider the measure based only upon the evidence provided on the record which 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 communication was declared.

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

RESOLUTION NO. 9090 introduced by City Manager Brent Trout, setting the public hearing to consider the advisability of establishing a Community Improvement District (CID) at SW 17th and SW Wanamaker Road, pursuant to K.S.A. 12-6a26 et seq., was presented.

Brent Trout, City Manager, stated the resolution was the first step in the procedure for the creation of the District and imposition of a CID sales tax.

Councilmember Hiller stated she would prefer to be briefed on the project before moving forward with a vote.

Brent Trout stated staff was willing to have additional meetings on the TIF and CID policies; however, he would request guidance on what the Governing Body would like to discuss - general policy or specific projects.

Councilmember Hiller stated she was seeking information on the overall policies as well as specific details on each project being considered.

Councilmember Coen expressed concern with how the City plans to move forward with improvement districts as a whole and questioned if these incentive options are offered to all developers considering Topeka. He stated he believes an overall discussion needs to take place as well as more information on what would be considered “blight” property.

Mayor De La Isla stated she believes the Governing Body should work together to develop how and when these districts should be established as they are economic development tools for the future.

Councilmember Jensen stated he concurs with Councilmember Coen in regards to the Governing Body determining what they would consider blighted areas. He asked how the City should leverage economic development tools in conjunction with being proactive instead of reactive to these types of development issues. He commented on the buildings possibly not

being improved and the area becoming blighted if the proposal was not approved and noted the Governing Body should move forward on the economic development opportunities before the buildings become even more dilapidated.

Councilmember Lesser stated he believes the Governing Body should have a thorough understanding of the CID and TIF policies which are two very different economic development tools. He commented on local developers who take care of their properties and allowing the competition to receive economic development incentives. He spoke in support of utilizing CIDs and TIFs; however, the Governing Body needs to understand the long term repercussions.

Councilmember Hiller thanked the Governing Body for the good discussion. She stated consideration should be given to these districts to ensure they add value to the community in the long term.

Brent Trout noted the proposals recently presented before the Governing Body only establish a district as there are no development agreements in place at this time. He stated staff would be available next week to conduct a special meeting or work session to discuss the policies in detail if needed.

Mayor De La Isla suggested a possible work session prior to the Governing Body meeting on April 2, 2019.

John Petersen, developer, requested approval of the public hearing to allow them to move forward with securing tenants before the holiday season. He stated his staff was available to the Governing Body at any time for further explanation.

Councilmember Jensen moved to approve the resolution. The motion was seconded by Councilmember Mays.

Councilmember Hiller requested a friendly amendment to discuss the proposal further at the April 9, 2019, Governing Body meeting and conduct the public hearing at the April 16, 2019, Governing Body meeting.

Councilmember Jensen accepted the friendly amendment. The second concurred.

The motion to approve the resolution as amended carried unanimously. (10-0-0)

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING to consider establishment of a tax increment financing (TIF) district at Sherwood Crossing at SW 29th Street and SW Wanamaker Road.

ORDINANCE NO. 20176 introduced by City Manager Brent Trout, establishing a Redevelopment District within the City (Sherwood Crossing) pursuant to K.S.A. 12-1770 et seq., was presented.

Doug Gerber, Deputy City Manager, stated approval of the ordinance was the last step in the process of establishing the TIF District at Sherwood Crossing; however, he reported the development plan would take place in multiple phases and would require approval of the Governing Body. He reported these types of economic development tools are being used across the state in many cities; and the condition of the buildings located in the development area have significant issues in terms of what was considered blight.

Ferd Neimann, developer, provided a brief overview of the current tenants located in the district, blight as it relates to the buildings, the renovation and expansion plans, future site plan and the finished timeline. He reported the TIF District would be established for reimbursement to the developer as a pay-as-you-go district and they are also requesting establishment of a CID to impose an additional 1% sales tax within the development.

Gary Yager spoke in support of improving the area and establishing a TIF District which would support efforts to improve quality of place.

Nick Xidis expressed the importance of public and private partnerships and the positive impact on the community. He encouraged the Governing Body to consider each project separately.

Marge Ahrens distributed a handout relating to her opinion on TIF Districts in the community and how developers should be held to a higher level in contributing to quality of life when incentives are given. She expressed concern with the lack of economic development in central Topeka where it was most needed and the effect additional sales taxes have on low to moderate income families. She encouraged the Governing Body to continue to seek opportunities for large developers to contribute to incentives through contributions to local housing and transportation needs.

Mayor De La Isla opened the public hearing and asked if there was anyone present who would like to speak to the matter.

Upon no one appearing, Mayor De La Isla announced the public hearing was closed.

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

Councilmember Emerson questioned if the TIF proposal follows the City's TIF policy. He spoke in opposition of the proposal at this time because he was concerned with approving too many development districts imposing too many taxes on citizens.

Councilmember Hiller expressed concern with recouping property tax at the full property value once the property was fully developed.

Councilmember Lesser commented on the need for code enforcement of dilapidated buildings to help eliminate the need of redevelopment districts.

The motion to adopt the ordinance carried. Councilmember Emerson voted "no." (9-1-0)

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

REQUEST to refer the Topeka Personnel Code to the Council Policy and Finance Committee in accordance with Section 8.5(a)(1) of the Governing Body Rules and Procedures was presented.

Lisa Robertson, City Attorney, reported Topeka Municipal Code Section 2.25.100 states that the Personnel Code shall be reviewed by the City Attorney and Human Resources Director during the last quarter of the City's fiscal year, in even-numbered years which has been completed; however, due to the amount of information involved, staff recommends that subsequent consideration and evaluation be referred to the Policy and Finance Committee prior to submitting to the full Governing Body for consideration.

Councilmember Jensen moved to refer the Personnel Code to the Policy and Finance Committee. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)

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

Brent Trout, City Manager, reported staff has no items to present at this time. He asked Governing Body members to send their final amendments and comments to be compiled and presented at the April 2, 2019, Governing Body meeting.

Dawn Buehler, Kansas Riverkeeper & Executive Director of Friends of the Kaw, distributed a handout regarding the Kansas River Weir and spoke in support of approving the budget for the Topeka Weir improvements.

Joseph Ledbetter spoke in support of the need to continue to improve snow removal efforts; completion of the SE California Avenue improvement project; support the Kansas River Weir

Project and keeping design fees in the CIP for the Kansas Turnpike Authority (KTA) Exchange for the southeast area. He commented on preventative maintenance to the streets and the need to allow citizens to voice their opinions relating to City operations.

Councilmember Hiller distributed a handout of possible amendments to the 2020-2029 CIP (Attachment A). She asked the Governing Body for their comments and feedback on her proposed amendments before voting on the item at the April 2, 2019, Governing Body meeting.

Councilmember Mays spoke in support of traffic signal preemption for snow plow vehicles for the sake of safety and efficiency as well as moving the SW Gage Boulevard from SW 37th to SW 45th Streets improvement project up the timeline to at least 2021 instead of 2023 due to the road being in dire need of repairs.

Councilmember Lesser stated he concurs with Councilmember Mays and noted the SW Gage Boulevard improvement project needs to happen sooner rather than later.

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

Brent Trout, City Manager, provided a brief overview of the April 2, 2019, Governing Body agenda. He announced the Topeka Way To Work applications are available on the City's website through April 12, 2019; and the Topeka Fire Department Citizen Fire Academy will begin on April 17, 2019.

Mayor De La Isla commented on the Limerick, Ireland and how they are dealing with the same community issues as Topeka. She reported she held a discussion with Washburn Rural High School students regarding leadership and civic duty. She announced the Greater Topeka Partnership Youth Council members were introduced today and thanked the Governing Body for working with the council.

Councilmember Clear announced Sole Reason would be holding a fundraiser at Panera on March 20, 2019 from 4:00 p.m. to 8:00 p.m. to help provide new shoes to at-risk youths in the Topeka area.

Councilmember Ortiz announced the retirement of Cpt. Larry Peters, Topeka Fire Department.

Councilmember Emerson thanked the Topeka Fire Department and Public Works Department for participating in the Highland Park High School Employment Recruitment Day.

Councilmember Coen expressed thanks to everyone involved with organizing and planning of the St. Patrick's Day festivities.

Russell Burton, Michael Enlor and Pamela Burghart appeared to speak under public comment.

Councilmember Coen 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 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 were present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Financial and Administrative Services Director, Jessica Lamendola; Utilities Director, Bob Sample; Chief of Litigation, Shelly Starr; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Emerson carried. Councilmember Ortiz did not vote. (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 Jensen moved to recess into executive session for a period of time not to exceed 10 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 were present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Financial and Administrative Services Director, Jessica Lamendola; Utilities Director, Bob Sample; Chief of Litigation, Shelly Starr; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)

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 time period not to exceed 30 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 were present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Administrative and Financial Services Director, Jessica Lamendola; Human Resources Director, Jacque Russell; Fire Chief, Craig Duke; Deputy Fire Chief, Kelly Adams; Senior Assistant City Attorney, Catherine Walter; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

Following a 30-minute time period, the Governing Body reconvened into open session and Mayor De La Isla announced no action was taken.

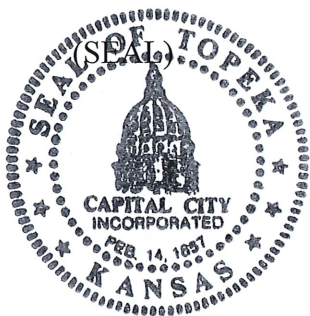
Councilmembers Coen and Lesser left the room.

Councilmember Emerson moved to recess into executive session for a time period not to exceed 15 minutes to continue 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 were present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Administrative and Financial Services Director, Jessica Lamendola; Human Resources Director, Jacque Russell; Fire Chief, Craig Duke; Deputy Fire Chief, Kelly Adams; Senior Assistant City Attorney, Catherine Walter; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Jensen carried. Councilmembers Ortiz and Mays did not vote. (6-0-0)

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 10:00 p.m.



Brenda Younger
Brenda Younger
City Clerk

Possible 2020 CIP Amendment Package.....

All CIP proposals hence forward will include costs of financing

Request to provide subtotals for the 6-10 Year Project List, grouped at least by subtotals for General Fund/GO/Other and Utility projects

All projects from 2017 or prior which are marked On Hold or have not had activity for the past four months are cancelled or move to the 6-10 Year Project List

Neighborhood Infrastructure returned to \$1.4 million per year

Downtown Traffic Signal Coordination 2020 moved to 6-10 Year Project List

Traffic Signal Replacement 2020 through 2024 moved from GO Bonding to Other Funding Sources (Expect General Fund Balance to cover 2020-2022, Public Works Operating Budget 2023/2024 and on)

Fire Apparatus 2021 moved from GO Bonding to Other Funding Sources (use General Fund Balance)

All Facilities Improvement/Repair Projects will be presented as projects and approved by Council before they move forward

Hazmat Vehicle moved to 6-10 Year Project List

Fire Apparatus Aerial 2023 moved from GO Bonding to Other Funding Sources (use General Fund Balance)

City Hall Renovation Phase 2 moved to 6-10 Year Project List

City Hall Renovation Phase 3 moved to 6-10 Year Project List

Reduce Temp Noting in 2020 by \$200,000

GPS Vehicle Location and Pre-emption – Drop or move to 6-10 Year Project List

Insert Gage from 37th45th in 2021, noted "if reprogrammed funds available (bid savings or from sunseting of prior)

New Totals for 2020-2024 CIP/GO Bonds after above changes:

<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>Total</u>
\$10,966,401	8,950,000	8,172,825	8,235,725	9,013,291	\$45,338,242
				Average 5 years	\$9,067,648/year

Interest Savings from Debt Service due to 7 recommended conversions 2020-2024 (5-year CIP Period)
 (Determined extrapolating from Nick's \$9M per year Financing Model)

<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>Total</u>
\$ 0	47,765	180,475	206,888	232,033	\$667,161 (5 years)

Interest Savings from Debt Service due to 7 recommended conversions 2020-2035 (Life of Bonds)
 (Determined using BankRate amortization tables)

5 Traffic Signals Replacements @ \$885,000/year @ 15 years @2.85%	\$983,688
2 Fire Apparatus \$1,640,000 + 1,665,000 @10 years @2.85%	<u>497,199</u>
Grand Total saved moving 7 projects to cash in 2020-2024	\$1,480,887 (10-15 years)

Transition Payments From Fund Balances

<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>Total</u>
\$885,000	885,000	885,000			
	<u>1,640,000</u>		<u>1,665,000</u>		
\$885,000	2,525,000	885,000	1,665,000		\$5,870,000

Transition Payments from Operating Budget

	885,000	885,000	\$1,710,000
Grand Total Shifted from GO to Cash 2020-2024			\$7,580,000

General Fund Balance 3rd Qtr 2018 was \$6M over goal

Debt Service 2018 Year-End Fund Balance was expected to be \$6M

So, transition of \$5,870,000 (even \$7,580,000) should be manageable and still leave "cushion" in each fund

"Bubble" will occur for Debt Service in the Debt Service Fund in 2023-2025, then will start to drop significantly (as long as borrowing continues to be held at \$9M cap)

College Hill and Heartland Park will pay off in 2024-2025. That will relieve Operating budget.

If we start to transition Traffic Signal and Fire Apparatus annual renewable items out in 2020, Debt Service fund relief and relief from College Hill and Heartland Park should be able to deliver the funds to cover full transition of the two selected line items starting in 2025.