CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, April 16, 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, Deputy Mayor Clear provided the invocation.

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9101 introduced by Councilmember Karen Hiller, approving a special event known as 99.3 The Eagle Cruise Night 2019 and rescinding conflicting portions of Resolution NO. 9086 was presented.

RESOLUTION NO. 9102 introduced by Councilmember Karen Hiller, approving a special event known as Juneteenth was presented.

RESOLUTION NO. 9103 introduced by Councilmember Sandra Clear, approving a special event known as the Sacred Heart-St. Joseph Parish Germanfest 2019 was presented.

RESOLUTION NO. 9104 introduced by Councilmember Sandra Clear, granting Sacred Heart-St. Joseph Parish an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9105 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.
RESOLUTION NO. 9106 introduced by Councilmember Sandra Clear, granting the Salvation Army an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

ORDINANCE NO. 20179 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of March 2, 2019, through March 29, 2019, and enumerating said expenditures therein was presented.

MINUTES of the regular meeting of April 9, 2019, were presented.

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

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<th>Business Name</th>
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<tr>
<td>Abigail’s</td>
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Councilmember Lesser moved to approve the consent agenda. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

RESOLUTION NO. 9107 introduced by City Manager Brent Trout, establishing the City’s 2020 budget priorities was presented.

Nick Hawkins, Financial and Administrative Services Deputy Director, provided an overview of the proposed priorities including Investing in Infrastructure; Continuing a Commitment to Public Safety, Continuing a Commitment to Developing Neighborhoods, Selected Strategic Investments toward Quality of Life and Improving Fiscal Sustainability.

Councilmember Jensen questioned if the Citizen Survey results recently gathered differ from the priorities listed in the resolution.

Nick Hawkins stated the top three priorities align with priority items listed in the Citizen Survey.
Councilmember Jensen moved to approve the resolution. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)

APPROVAL of a revised Project Budget in the amount of $3,194,934 and authorizing as amended Improvement Project No. T-131036.00 which provides for the design and construction of City Hall Renovation as authorized by Resolution No. 8673 was presented.

Doug Gerber, Deputy City Manager, provided a brief overview of the revised project budget request. He stated the budget request increases the original budget by $3.2 million from $8.2 million to $11.3 million with anticipated tax credits in the amount of $2.6 million. He noted $664,000 was removed from the budget for Furniture, Fixtures and Equipment and will be used for contingency funds as needed.

Joseph Ledbetter spoke in opposition of the project. He stated he believes citizen priorities include street improvements, increased code enforcement and snow removal and suggested using the City Hall project funding for other priority projects.

Councilmember Jensen noted the request only increases the original budget by approximately $550,000 if the anticipated tax credits are realized. He expressed the importance of performing routine maintenance in order to preserve historic buildings.

Councilmember Jensen moved to approve the revised project budget. The motion was seconded by Councilmember Clear.

Councilmember Mays questioned if the use of tax credits was anticipated with the original proposed budget.

Doug Gerber stated if the original plan would have progressed as scheduled more than likely there would have been tax credits associated with the project upon completion.
Councilmember Clear stated she supports the improvement of City Hall and noted the longer the improvements are delayed the more it will cost.

Councilmember Hiller expressed her appreciation to staff for their work on the project. She questioned if the tax credits could be captured upon the completion of each phase; and if the proposed project budget was accurate and noted the $300,000 earmarked for improvements to the entrance to City Hall was approved in a different CIP an issue the Governing Body may need to address at some point. She suggested if the $660,000 set aside for contingency funds was not used, it could be used for Furniture Fixtures and Equipment.

Jason Peek, Public Works Director, confirmed the tax credits could be applied for upon completion of each phase; however, there was an incremental cost to submitting each application and there would be a better rate of return if all tax credits were submitted at one time.

Brent Trout reported the revised proposed budget was correct and included anticipated tax credits.

Councilmember Hiller moved to allow staff to use the $660,000 or more set aside for contingency funds at the end of the project to purchase Furniture Fixtures and Equipment. The motion seconded by Councilmember Clear carried. Councilmembers Ortiz, Emerson, Mays and Lesser voted “no.” (6-4-0)

Councilmember Clear expressed the importance of completing all phases of the renovation project and avoiding higher construction costs at a later date.

Councilmember Padilla urged the Governing Body to stop delaying the maintenance of the City Hall building. He noted that City Hall was the center of municipal government and they need to take pride in the historic building and the city. He commended staff and Councilmember Hiller for researching the details and finding a compromise.
Councilmember Emerson stated he understands the need to renovate City Hall; however, he cannot support the project budget amount being proposed. He expressed the importance of supporting the citizens’ number one priority by using all available funding for street improvements.

Councilmember Ortiz stated she would not support the entire scope of the project at this time with the understanding City Hall needs to be renovated in some of the main areas including the roof and HVAC systems. She thanked staff for their work on the project and expressed the importance of prioritizing the needs of the city which include the improvement of fire stations, streets and other City buildings. She asked staff to compile a master list of facilities and needed repairs.

Brent Trout reported staff was currently working on an asset management plan for City buildings similar to the pavement management plan.

Councilmember Lesser stated he concurs with Councilmember Emerson; however, he believes there were numerous issues with the overall process and how it was presented to the Governing Body. He acknowledged there was a need to address overall City building repair with a master plan.

Councilmember Hiller clarified Phase 1 of the project would only improve the main building of City Hall and would not include Municipal Court or landscaping in front of the building. She noted chiller repairs and/or replacement has already begun. She stated she believes there would be value in restoring the historic elements and design of the building; therefore, she will be proposing to delay the completion of Phases 2 and 3 in the CIP until an asset management plan has been completed for all City buildings.
The motion to approve the revised project budget as amended failed. Councilmembers Ortiz, Emerson, Mays, Coen and Lesser voted “no.” (5-5-0)

RESOLUTION NO. 9108 introduced by City Manager Brent Trout, authorizing and adopting the 2020-2029 Capital Improvement Plan and the 2020-2022 Capital Improvement Budget and approving the project budgets attached was presented.

Nick Hawkins, Financial and Administrative Services Deputy Director, stated the consideration of the Capital Improvement Plan was deferred from the meeting of April 9, 2019. He referenced the many discussions and communications that have taken place between staff and the Governing Body and stated staff was recommending approval as presented.

Joseph Ledbetter spoke in support of the overall CIP and expressed the importance of fixing streets as well as the Kansas Avenue Bridge. He spoke in support of the Zoo and Topeka Police Department CIP requests. He suggested moving SE California Street improvements up to year 2021 and synchronizing traffic signals citywide.

Brent Trout, City Manager, stated the proposed CIP needs to be amended to remove the $3.1 million of funding for the City Hall Project.

Councilmember Mays moved to amend the proposed CIP by changing the project years for the SW Gage Boulevard from 37th to 45th Streets (Project No. 701041.00) from years 2022 and 2023 to years 2020 and 2021; and delaying the SW 10th Avenue Project from SW Fairlawn to SW Wanamaker Road (Project No. 701015.00 – Project Years 2017 to 2022). The motion was seconded by Councilmember Emerson.

Brent Trout reported the SW Gage Boulevard project was funded with City Half-Cent Sales Tax and not General Obligation Bonds.
Councilmember Mays made a substitute motion to change the funding source for the SW Gage Boulevard Project No. 701041.00 from City Half-Cent Sales Tax funding to General Obligation Bond funding in project years 2020 and 2021. The motion was seconded by Councilmember Emerson.

Discussion ensued by Governing Body members regarding the desired borrowing cap amount.

Mayor De La Isla suggested the Governing Body determine an agreeable borrowing cap amount before proposing amendments to the CIP.

Councilmember Mays withdrew the substitute motion. The second concurred.

Councilmember Hiller stated she believes the borrowing cap should remain at $27 million for the next five years.

Councilmember Jensen moved to maintain the borrowing cap at $27 million for five years. The motion was seconded by Councilmember Emerson.

Mayor De La Isla encouraged the Governing Body to realistically consider borrowing more due to current favorable interest rates; however, it needs to be an amount that will not affect the City’s overall credit rating. She stated the long-term effects of completing more infrastructure projects will have a positive effect on future generations while sustaining reserve funds.

Councilmember Jensen reported City revenues are not growing and even though the City has the ability to pay the higher debt now, there will be an economic downturn in the future so he will not support increasing the borrowing cap.

Councilmember Emerson stated he agrees with the statements relating to the $27 million borrowing cap; however, he would support increasing that amount if the funds were used strictly for street improvements.
Councilmember Lesser expressed the importance of prioritizing how current funding allowances are being spent instead of increasing the borrowing cap.

Councilmember Mays stated he would support borrowing more for the right reasons due to the low interest rates being offered at this time.

Brent Trout reported the proposed borrowing cap increase for the next five years was an amount that could be sustained within the current debt service levy.

Jessica Lamendola, Financial and Administrative Services Director, stated the proposed increase in the borrowing cap would not result in a mill levy increase and the additional funding could enhance the number of infrastructure projects over the next five years by taking advantage of the low interest rates.

Councilmember Emerson stated he would support an increase in the borrowing cap for the purpose of allowing them to get ahead of things in the short-term; however, he would not support a long-term increase.

Brent Trout reported staff has identified infrastructure and facility needs over a five-year period that would need an additional $11 million per year.

Mayor De La Isla spoke in support of increasing the borrowing cap for three years to be used infrastructure improvements only.

Councilmember Jensen moved to approve a $33 million borrowing cap in General Obligation Bonds for a three-year term and return to a $9 million annual borrowing cap upon the sunset of the three years. The motion was seconded by Councilmember Emerson.

Councilmember Hiller stated she would support a $27 million borrowing cap for three years at approximately $9 million per year.
Councilmembers Mays and Padilla spoke in support of the proposed $33 million borrowing cap for three years due to the critical need for infrastructure improvements. They expressed the importance of providing project updates to citizens over the next three years and making sure projects result in good quality work.

Councilmember Hiller distributed a handout outlining the City’s GO Debt Service Model for 2019, and highlighted the amount of net funds that would be available over the life of the bonds with a $13 million borrowing cap compared to a $9 million borrowing cap.

Councilmember Jensen called the question.

The motion to approve a $33 million borrowing cap in General Obligation Bonds for a three-year term and return to a $9 million annual borrowing cap upon the sunset of the three years carried. Councilmember Hiller, Ortiz, Coen and Lesser voted “no.” (6-4-0)

Councilmember Hiller distributed proposed amendments to the CIP. (See Attachment A) She stated her proposed amendments align with the Council-adopted policy borrowing cap of $9 million per year or $27 million for three years, with the exception of 2020. She noted adjustments include $5,075,000 converted to cash, $8,276,000 removed and $5,951,602 move to years 6-10 for further consideration.

Councilmember Emerson asked staff for their input on the proposed amendments presented by Councilmember Hiller.

Jessica Lamendola reported staff supports a structurally balanced operational budget while retaining current cash reserves. She stated if there was a surplus of funds in 2019 and 2020 they could consider allocating funds to cover one-time expenses and noted only recently has the City been in a financial state that could respond to certain needs. She offered to work with the
Governing Body to determine a target reserve fund balance keeping in mind that 15% should be the minimum.

Councilmember Hiller moved to fund the Traffic Signal Replacement Program 2020 Project No. 141028.00 (project years 2020 and 2021) with cash or temporary notes in the amount of $1,770,000. The motion seconded by Councilmember Emerson carried. Councilmembers Clear, Jensen, Padilla and Mayor De La Isla voted “no.” (6-4-0)

Councilmember Hiller moved to fund three of the six Fire Apparatus (project years 2021 and 2023) with cash in the amount of $3,305,000. The motion seconded by Councilmember Jensen failed. Councilmembers Clear, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla voted “no.” (2-8-0)

Councilmember Hiller moved to change the project years for City Hall Phases 2 and 3 from 2023 and 2024 to 2025-2029 (project years 6-10). The motion was seconded by Councilmember Emerson.

Councilmember Jensen made a substitute motion to remove City Hall Phases 2 and 3 from the CIP. The motion was seconded by Councilmember Ortiz.

Brent Trout stated the additional funding for Phase 1 has been removed so he would suggest a friendly amendment to remove all three phases included in the renovation of City Hall.

Councilmember Jensen accepted the friendly amendment. The second concurred.

The substitute motion to remove City Hall Phases 1, 2 and 3 from the CIP carried unanimously. (10-0-0)

Councilmember Hiller moved to change the HazMat Vehicle funding from year 2023 to 2025-2029 (years 6-10) in the amount of $850,000. The motion was seconded by Councilmember Ortiz.
Councilmember Ortiz spoke in support of funding a new HazMat vehicle and noted the Topeka Fire Department assists agencies state-wide in hazardous material clean up. Councilmembers Emerson and Lesser questioned if the City receives reimbursement costs from other agencies.

Chief Duke commented on the duties of the HazMat Team and the need for an updated vehicle that will be utilized across the state. He reported other agencies reimburse costs associated with equipment and resources used outside city limits.

The motion to change the HazMat Vehicle funding from year 2023 to 2025-2029 (years 6-10) in the amount of $850,000 failed. Councilmembers Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla voted “no.” (1-9-0)

Councilmember Hiller moved to roll back Neighborhood Infrastructure funding (project years 2020-2024) to the 2018 level for a total reduction of $1,500,000. The motion seconded by Councilmember Ortiz failed. Councilmembers Clear, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla voted “no.” (3-7-0)

Councilmember Hiller moved to delete Fire Station #14 (year 2023) in the amount of $5,776,261. The motion was seconded by Councilmember Clear.

Brent Trout stated the Fire Department Strategic Plan as well as ALS program will be discussed at the May 7, 2019, Governing Body meeting. He noted they would need to complete Fire Station #13 prior to Fire Station #14.

Councilmember Ortiz expressed the importance of the project and following through with the future plans related to improvements of existing fire stations as well as new fire stations.
The motion to delete Fire Station #14 (year 2023) in the amount of $5,776,261 failed. Councilmembers Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor Da La Isla voted “no.” (2-8-0)

Councilmember Hiller moved to delete Council Community Support (year 2023) in the amount of $1,000,000. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

Councilmember Mays moved to change the funding source for the SW Gage Boulevard Project from SW 37th to 45th Streets (Project No. 701041.00) from City Half-Cent Sales Tax funding to General Obligation Bond funding and change the project years from 2022 and 2023 to 2020 and 2021. The motion seconded by Councilmember Lesser carried unanimously. (10-0-0)

Councilmember Hiller asked the Governing Body to consider proposing a ballot question to the voters in the November 2019 election that would impose a one quarter-cent sales tax that would sunset after one-year to construct Fire Station No. 13.

Councilmember Jensen moved to approve the resolution as amended. The motion was seconded by Councilmember Padilla.

Councilmember Hiller inquired on the General Obligation Bond forecast for years 2024-2025 and stated she would encourage staff to work towards an annual borrowing cap of $9 million.

Nick Hawkins stated the forecast included $16 million in 2024 and $10 million in 2025.

Councilmember Emerson asked that all excess funds be used for street improvements.

Brent Trout stated the total General Obligation Bond amount was $30 million and would not exceed $33 million. He stated next year’s excess funding could be targeted for use on street improvements.
The motion to approve the resolution as amended carried unanimously. Councilmember Hiller voted “no.” (9-1-0)

RESOLUTION NO. 9109 introduced by City Manager Brent Trout, declaring the necessity to repair, alter, reconstruct, enlarge or improve the City’s water, water pollution, and/or storm water utility system through improvement projects authorized by Resolution and providing Notice of Intention authorizing the issuance of revenue bonds in the manner required by K.S.A. 10-1201, et seq., was presented.

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

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING on the advisability of establishing a Community Improvement District (CID) at SW 17th and SW Wanamaker.

ORDINANCE introduced by City Manager Brent Trout, establishing a Community Improvement District (CID) at SW 17th Street and SW Wanamaker Road and levying a CID sales tax of one percent (1%) within the CID was presented.

Doug Gerber, Deputy City Manager, stated the applicant has requested the public hearing be continued and ordinance deferred until May 7, 2019 in order to finalize the development agreement.

Mayor De La Isla opened the public hearing and asked if there was anyone present who would like to speak to the matter. No one appeared.

Councilmember Jensen moved to continue the public hearing and defer the ordinance until May 7, 2019. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

NOTICE OF PUBLIC HEARING
A PUBLIC HEARING on the advisability of establishing a Community Improvement District (CID) for the Sherwood Crossing/Villa West Development at 29th and Wanamaker.

ORDINANCE introduced by City Manager Brent Trout, establishing a Community Improvement District (CID) for the Sherwood Crossing/Villa West Development at 29th and Wanamaker and levying a CID sales tax of one percent (1%) within the CID was presented.

Doug Gerber, Deputy City Manager, stated the applicant has requested the public hearing be continued and ordinance deferred until June 18, 2019 in order to finalize the development agreement.

Councilmember Hiller referenced the layering of TIF and CID districts and asked if the details of both districts would be presented at the same time.

Doug Gerber confirmed the details of both districts will be presented simultaneously.

Mayor De La Isla opened the public hearing and asked if there was anyone present who would like to speak to the matter. No one appeared.

Councilmember Jensen moved to continue the public hearing and defer the ordinance until June 18, 2019. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

DISCUSSION regarding the City of Topeka Personnel Code relating to employee residency requirements was presented.

Brent Trout, City Manager, reported the item would be presented on a future agenda for consideration and requested the Governing Body forward any additional comments, questions or information to him for possible inclusion.

Sgt. Vidal Campos, Topeka Police Department Recruiting Officer, spoke in support of removing the residency requirement. He stated the requirement creates an unnecessary obstacle when recruiting diverse qualified candidates outside the Topeka-Shawnee County area.
Councilmember Padilla commended staff for finding creative ways to hire a diverse workforce.

Councilmember Hiller encouraged staff to continue affirmative recruiting efforts whether the residency requirement was in place or not.

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

Brent Trout, City Manager, announced the Topeka Police Department graduation ceremony on April 18, 2019, and the Topeka Fire Department graduation ceremony on April 20, 2019, will be held at the Stormont Vail Auditorium.

Mayor De La Isla extended her thoughts and prayers to the citizens of Paris for the Notre Dame Cathedral fire, and the citizens of Jerusalem for the Al-Aqsa Mosque fire. She stated the new flag design would be announced at the State of the Community Luncheon on April 18, 2019. She commented on a conference she attended at Harvard University and the interaction she had with students. She commended Jason Peek, Public Works Director, and street crews for working to repair potholes. She encouraged the Governing Body notify her of issues that are important to them to be highlighted during her speech at the State of Community address. She thanked staff for their work on the Capital Improvement Plan and process which resulted in good discussion.

Councilmember Clear stated she attended the Community in Schools Program which included educational teaching about finances. She announced the North Rock Baptist Temple at 2322 NE Laurent would host a blue grass gospel group April 17-20, 2019, at 7:00 p.m. and at Sunday services on April 21, 2019. She noted she would be attending the Partners in Arts luncheon on April 17, 2019.
Councilmember Padilla attended the Strengthening Police and Community Partnerships Forum for City Council District No. 3 and encouraged citizens to attend the forums hosted in each Council District and provide their input.

Councilmember Jensen thanked the Topeka-Shawnee County Public Library for introducing books to kids of all ages.

Councilmember Mays encouraged people to purchase St. Jude's Dream Home tickets.

Councilmember Coen distributed a flyer for the Ronald McDonald House fundraiser on April 19, 2019, to benefit the local Ronald McDonald House.

Councilmember Hiller thanked City staff and the Governing Body for approving the CIP. She announced the 65th Anniversary of Brown vs. Board of Education would be held on May 17, 2019, and commented on the many events happening in honor of the day.

Councilmember Jensen moved to extend the meeting past 10:00 p.m. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 15 minutes to discuss upcoming employer-employee negotiations, as justified by K.S.A. 75-4319(b)(3). 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; Fire Chief, Craig Duke; Human Resources Director, Jacque Russell; Utilities Director, Bob Sample; Deputy Utilities Director, Braxton Copley; Assistant Administrative and Financial Services Director, Nick Hawkins; Senior Assistant City Attorney, Catherine Walter; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

Mayor De La Isla and Councilmember Coen left 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 10:20 p.m.

(SEAL)

Brenda Younger
City Clerk
PROPOSAL - CIP Amendment Proposal  4-16-19

The proposed budget below aligns with the Council-adopted borrowing cap of average of $9M per year ($27M per 3 years), with the exception of 2020. It also narrows the adoption of the first 5 years of the CIP/full CIB to projects that are fully vetted and certain.

The proposal retains the Weir project in 2020 as well as the City Hall Phase 1 expanded budget in 2020, 2021 and 2022. If the Weir project can be further explored and come in closer to its original budget and if the City Hall project is successful in selling its tax credits, either in phases or at the end of the project, the average from 2020 will be erased.

Adjustments are: $5,075,000 converted to cash, $8,276,000 removed and $5,951,602 moved to Years 6-10 for further consideration. Detail is below. The next page shows how the cash conversions are affordable within the existing Debt Service Fund. The cash conversions will save $900,000 in interest, per staff estimates, and set the stage for future savings.

CIP budget as amended, by section

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Amendments:

Traffic Signals (2020 and 2021) – fund with cash, capacity in Debt Service Fund $1,770,000

Fire Apparatus (2021 and 2023) – fund 3 (of 6) with cash, capacity in Debt Service $3,305,000

City Hall Phases 2 and 3 (2023 and 2024) – to Years 6-10 for further consideration $5,100,877

HazMat Vehicle (2023) – to years 6-10 for further consideration (truck or trailer) $850,000

Neighborhood Infrastructure (2020-2024) – roll back to 2018 level – total reduction $1,500,000

Fire Station #14 (2023) – (will likely be a partnership) $5,776,261 – Delete

Council Community Support (2023) – delete $1,000,000

Hiller handout Item 4-1C.