CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, August 15, 2017. The Governing Body members of the City of Topeka met in session at 6:00 P.M., with the following Councilmembers present: Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Schwartz, Coen and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Mayor Wolgast asked for a moment of silent meditation.

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

A PRESENTATION on the City of Topeka 2nd Quarter Financial Report was presented by Nickie Lee, Financial and Administrative Services Director.

A PRESENTATION on the City of Topeka 2nd Quarter Capital Projects Report was presented by Jason Peek, Public Works Director and Braxton Copley, Deputy Utilities Director.

BOARD APPOINTMENT recommending the appointment of Francis Kent to the City of Topeka ADA Advisory Council for a term ending August 16, 2019 was presented.

BOARD APPOINTMENT recommending the reappointment of Marijo Mastroianni to the City of Topeka ADA Advisory Council for a term ending October 2, 2019 was presented.

BOARD APPOINTMENT recommending the reappointment of Marilyn Lind to the City of Topeka ADA Advisory Council for an unexpired term ending October 1, 2018 was presented.

BOARD APPOINTMENT recommending the reappointment of Jim Ogle to the Topeka Metropolitan Transit Authority for a term ending September 18, 2021 was presented.

BOARD APPOINTMENT recommending the reappointment of Andy Vogel to the Topeka Metropolitan Transit Authority for a term ending September 18, 2021 was presented.
BOARD APPOINTMENT recommending the appointment of Bill Persinger to the Shawnee County Community Corrections Advisory Board to fill an unexpired term and a full term expiring January 1, 2020 was presented.

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

THE CONSENT AGENDA was presented as follows:

APPROVAL of a Workers’ Compensation Settlement for Richard Knight, Zoo Horticulturalist, in the amount of $26,000 as a full and final settlement for the permanent partial impairment from injuries suffered on January 6, 2016, while performing normal job duties was presented.

RESOLUTION NO. 8941 introduced by Councilmember Jeff Coen, granting Happy Basset Brewing an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8942 introduced by Councilmember Jeff Coen, granting The Bar and Grill an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8943 introduced by Councilmember Brendan Jensen, granting Daniel Vander Ley an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

ORDINANCE NO. 20080 introduced by Interim City Manager Doug Gerber, allowing and approving City expenditures for the period of July 1, 2017, through July 28, 2017, and enumerating said expenditures therein was presented.

MINUTES of the regular meeting of August 8, 2017, was presented.
APPROVAL of Cereal Malt Beverage License applications were presented for Arturo’s Mexican Restaurant located at 105 SE 10th Avenue and Fuzzy’s Taco Shop located at 2614 SW 17th Street.

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

ORDINANCE NO. 20079 introduced by Interim City Manager Doug Gerber, authorizing the issuance of $17,975,000 aggregate principal amount of Combined Utility Revenue Bonds, Series 2017-A of the City of Topeka, Kansas, under the authority of K.S.A. 10-1201 et seq., and all amendment thereto was presented.

Doug Gerber, Interim City Manager, reported the bid was awarded to Hutchinson, Shockey, Erley & Co. offering an interest rate of 3.21%.

Councilmember Emerson moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Schwartz, Coen, Harmon and Mayor Wolgast -10.

RESOLUTION NO. 8940 introduced by Interim City Manager Doug Gerber, prescribing the form and details of Combined Utility Revenue Bonds, Series-2017A of the City of Topeka, Kansas, in the aggregate principal amount of $17,975,000 the issuance of which was authorized by the City pursuant to its ordinance adopted and approved August 15, 2017; and authorizing certain other documents and actions in connection with the issuance of the bonds was presented.

Councilmember Jensen moved to approve the resolution. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)
A PUBLIC HEARING and ORDINANCE NO. 20081 introduced by Interim City Manager Doug Gerber, relating to the vacation of a segment of public alley right-of-way lying between SW Mulvane Street and SW College Avenue and between SW 11th Street and SW Munson Avenue, within the City of Topeka, Shawnee County, Kansas, was presented. (V17A/02)

Bill Fiander, Planning Director, reported approval would expand and improve the Topeka Bible Church parking lot and provide for the vacation of 150 additional feet of the 15 foot wide public alley in the Elmhurst Neighborhood.

Mayor Wolgast asked if there was anyone present who would like to speak to the matter.

Upon no one appearing, Mayor Wolgast closed the public hearing.

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

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Schwartz, Coen, Harmon and Mayor Wolgast -10.

APPROVAL of a three-year labor contract for AFT Kansas Local 6406 effective January 1, 2018, through December 31, 2020 was presented. (Contract No. 46203)

Doug Gerber, Interim City Manager, reported approval of the three-year agreement would provide for updates to the pay matrix for the bargaining unit as well as several contract terms.

Councilmember Hiller moved to approve the labor contract. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

APPROVAL of the City of Topeka 2018 Consolidated Annual Action Plan was presented.

Doug Gerber, Interim City Manager, reported approval includes program plans for the HUD grant funding the City receives annually including general fund authority and Capital
Improvement Budget (CIB) funds for housing and neighborhood improvements, economic
development activities and social service funding in the community.

Councilmember Clear moved to approve the 2018 Consolidated Annual Action Plan. The
motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

APPROPRIATION ORDINANCE NO. 20082 introduced by Interim City Manager Doug
Gerber, approving and adopting the operating budget for calendar year 2018 and appropriating
the amounts for the purpose set forth therein was presented.

Doug Gerber, Interim City Manager, reported the budget process began in January of this
year followed by many discussions, public meetings and input.

Councilmember Ortiz inquired on the funding amounts allocated for the Topeka Way To
Work (TWTW) Program and the AmeriCorps Program.

Doug Gerber reported $30,000 has been allocated for the TWTW Program in 2018.

Sasha Haehn, Director of Neighborhood Relations, reported $16,000 has been allocated for
the AmeriCorps Program in 2018.

Councilmember Ortiz announced she plans to work with Topeka Public Schools United
School District No. 501 in creating a Community Service program for high school students to
promote volunteerism and civility in the community possibly replacing the need for an
AmeriCorps Program in the community. She expressed the need to generate more private-public
partnerships to help mentor our youth by hiring more kids and eliminating the income
restrictions for the TWTW Program. She stated she would not support the budget as presented
unless the TWTW Program was funded at a higher level - $50,000.
Councilmember Schwartz spoke in support of the AmeriCorps Program and noted the kids can be recruited locally for the program. She commended staff for presenting a budget with no tax increase.

Councilmember Clear stated she looks forward to more Police Officers on the street in 2018.

Councilmember Jensen commended staff for their hard work in presenting a solid budget and providing the Governing Body with the tools to make informed decisions.

Mayor Wolgast thanked staff and agencies participating in a successful budget.

Councilmember Jensen moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried. Councilmember Ortiz voted “no.” (9-1-0)


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

Doug Gerber, announced and welcomed new Media Relations Director, Molly Hadfield and Jason Mack, Water Systems Manager. He noted the Utilities Division and Public Works Department are working in collaboration as the City moves forward with improvement projects. He reported the City’s Budget portals provides great detail and information and encouraged citizens to visit the website at www.topeka.org.

Councilmember Hiller reported the Cyclovia Topeka event and the Cruisin’ the Capital were well attended. She noted there are many great events happening throughout Topeka and more information can be found on Visit Topeka’s website at www.visittopeka.com.

Councilmember Clear announced the Sheep Dog Impact Assistance of Kansas organization is sponsoring a golf tournament on September 9, 2017 at the Cypress Ridge Golf Course.
Councilmember De La Isla stated Topeka is a city of love not hate and there is a community behind those who are in need of assistance.

Teresa Miller appeared to speak under public comment.

Councilmember Jensen moved to recess into executive session for a period of 30 minutes for consultation with the City’s legal counsel to discuss attorney-client privileged matters, as justified by KSA 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Governing Body members, Interim City Manager Doug Gerber, Financial and Administrative Services Director Nickie Lee, Chamber of Commerce President Matt Pvarnick and City Attorney Lisa Robinson. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)

Following a 30 minute time period, the meeting reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Clear moved to recess into executive session for a period of 20 minutes to continue consultation with the City’s legal counsel to discuss attorney-client privileged matters, as justified by KSA 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Governing Body members, Interim City Manager Doug Gerber, Financial and Administrative Services Director Nickie Lee, Chamber of Commerce President Matt Pvarnick and City Attorney Lisa Robinson. The motion seconded by Councilmember De La Isla carried. Councilmember Emerson left the room. (9-0-0)

Councilmember Emerson entered the room.

Following a 20 minute time period, the meeting reconvened into open session and Mayor Wolgast announced no action was taken.
Councilmember Jensen moved to recess into executive session for a period of 15 minutes for consultation with the City’s legal counsel to discuss attorney-client privileged matters related to potential litigation, as justified by KSA 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Governing Body members, Interim City Manager Doug Gerber, Public Works Director Jason Peek, Chief of Litigation Shelly Starr and City Attorney Lisa Robinson. The motion seconded by Councilmember Clear carried. Councilmember Harmon left the room. (9-0-0)

Councilmember Harmon entered the room.

Following a 15 minute time period, the meeting reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Clear moved to recess into executive session for a period of 10 minutes to continue consultation with the City’s legal counsel to discuss attorney-client privileged matters related to potential litigation, as justified by KSA 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Governing Body members, Interim City Manager Doug Gerber, Public Works Director Jason Peek, Chief of Litigation Shelly Starr and City Attorney Lisa Robinson. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

Following a 10 minute time period, the meeting reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Jensen moved to excuse the interim City Manager from the executive session as is allowed by Charter Ordinance A2-55(c) and Governing Body Rules and Procedures 2.5(b). The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)
Councilmember Jensen moved to recess into executive session for a period of 30 minutes to discuss confidential employment matters pertaining to nonelected personnel, as justified by KSA 75-4319(b)(1). In order to aid the discussion, the following individuals should be present: Governing Body members, Human Resources Director Jacque Russell and City Attorney Lisa Robertson. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)

Following a 30 minute time period, the meeting reconvened into open session and Mayor Wolgast announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:02 p.m.

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Brenda Younger
City Clerk