

Governing Body Minutes – June 4, 2019

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, June 4, 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, Councilmember Emerson provided the invocation.

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

A PRESENTATION on the City of Topeka 2018 Financial Audit was provided by Sean Gordon, Mize Houser & Company, P.A.

ADVISORY COUNCIL APPOINTMENT of Steve Schoenberg to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending May 31, 2021 was presented.

Councilmember Lesser moved to approve the appointment. The motion seconded by Councilmember Emerson carried unanimously. (9-0-0)

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20184 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of March 30, 2019, through May 3, 2019, and enumerating said expenditures therein was presented.

APPROVAL of a Workers' Compensation Tentative Settlement Agreement in the amount of \$14,777.75 for the permanent partial impairment the employee sustained while engaged in normal work duties was presented.

RESOLUTION NO. 9113 introduced by Councilmember Sandra Clear, approving a special event known as the 86th Annual Our Lady of Guadalupe's Fiesta Mexicana was presented.

RESOLUTION NO. 9114 introduced by Councilmember Sandra Clear, granting a waiver to the provisions of City of Topeka Code Section 10.60.120 relating to parking on unimproved surfaces for the 2019 Fiesta Mexicana was presented.

RESOLUTION NO. 9115 introduced by Councilmember Sandra Clear, granting Fiesta Mexicana an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9116 introduced by Councilmember Sylvia Ortiz, granting Project Forward an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9117 introduced by Councilmember Sylvia Ortiz, granting Randy Wheat 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 May 21, 2019, was presented.

APPROVAL of Cereal Malt Beverage License applications were presented for the following:

<u>Business Name</u>	<u>Address</u>
Bwell Market	600 SE Quincy Street
California BP	2740 SE California Avenue
East Quick Stop	3100 SE 6 th Avenue
Goose Express	2909 SE Fremont Street
Haag's Express	1001 SW Wanamaker Road
Holiday Square 66	2901 SW Topeka Boulevard
I-70 BP	1000 SW Wanamaker Road
Kicks 66	3300 SW Gage Boulevard
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	2526 SW 6 th Street

<u>Business Name</u>	<u>Address</u>
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
Lakeview 66	3000 SE Croco Road
Larry's Short Stop	3834 SW Topeka Boulevard
Mike's Market	2620 NE Sardou Avenue
Oakmart BP	2518 NE Sardou Avenue
Plaza Conoco	1401 SW Huntoon Street
Walmart #1802	1501 SW Wanamaker Road
Walmart #2131	1301 SW 37 th Street
Walmart #5441	2600 NW Rochester Road
Walmart #6392	2630 SE California Avenue
Walmart #6585	335 SW MacVicar Avenue
White Lakes 66	931 SW 37 th Street

Councilmember Lesser moved to approve the consent agenda. The motion seconded by Councilmember Jensen carried. Councilmember Emerson abstained. (9-0-1)

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

(Pursuant to Governing Body Rule 8.5(c) the 90-day update was provided from the meeting of March 5, 2019.)

Councilmember Ortiz stated the Committee has been going through a transition of new committee members; therefore, they are working through the various processes and details of the ordinance. She reported the following from the March 29, 2019, Public Health and Safety

Committee Meeting:

- 31 Housing Vouchers effecting 43 people have been distributed.
- 12 households with 19 individuals have been placed in a residence.
- 160 Unsheltered Identification Cards have been created since the beginning of the City of Topeka Unsheltered Identification Program starting in November 2018.
- One additional police officer has been added to the Homeless Outreach Team (HOT).

Councilmember Hiller stated the Committee plans to allow time (one year) to see how the program and techniques work in the community and after that time, the Committee will determine if there was still a need for the proposed ordinance.

Councilmember Coen moved to approve the verbal report provided by Councilmember Ortiz. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

UPDATE and possible ACTION on the proposed traffic and pedestrian safety ordinance was presented. (*Pursuant to Governing Body Rule 8.5(c) the 90-day update was provided from the meeting of March 5, 2019.*)

Councilmember Jensen reported the Special Committee continues to wait until the Public Health and Safety Committee reaches a decision regarding the proposed Camping ordinance, at which time, the committees will merge and work together on the proposed Traffic/Pedestrian Safety ordinance.

Councilmember Lesser moved to approve the verbal report provided by Councilmember Jensen. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

DISCUSSION on the governance of operations at the Topeka Zoo was presented.

Brendan Wiley, Topeka Zoo Director, gave a brief overview of evaluating Zoo governance through a Public Private Partnership including the typical partnership roles; money savings; history of similar partnerships at other zoos; successes and preventing failures; plans for long term success and the next steps. He distributed the Zoo Governance Discussion Supplemental Information (*Attachment A*) and commented on the City of Topeka Zoo Budget versus the Friends Of Topeka Zoo (FOTZ) Budget. He stated the City would work towards a suitable management fee and define what action would be needed from the Governing Body to plan for long term success. He noted staff has met with two stakeholders who are interested in two projects after the completion of Kay's Garden.

Councilmember Emerson spoke in support of the Zoo; however, he expressed concern with public perception of how a private partnership relates to civic pride. He asked if more monetary donations would be received if a private organization operated the Zoo.

Brendan Wiley stated the Zoo would not be “privatized” and the City would still maintain ownership; however, the private-public partnership would allow a different operating model.

Councilmember Ortiz complimented the Zoo and staff for continued improvements. She asked for clarification on what was being proposed and why. She noted there would be advantages in receiving grants only available to non-profit organizations. She asked if the partnership was approved, how the ongoing projects would be affected; what are the City’s assets; and what would the partnership agreement entail. She thanked FOTZ for thinking outside the box and proposing a solid operational model for the Zoo.

Doug Gerber, Deputy City Manager, stated an agreement or plan has not yet been determined; however, if there was support from the Governing Body, City staff in collaboration with FOTZ will begin drafting an agreement to be considered by the Governing Body.

Brendan Wiley stated the typical private-public partnerships organizational structure consists of one executive leader with all other positions remaining the same with the intent of providing better employment opportunities in the long term.

Councilmember Jensen requested all scenarios be reviewed with the intent of creating a good solid agreement to be reviewed by the Governing Body. He questioned how FOTZ plans to manage all costs associated with the Zoo as well as contingency funding.

Councilmember Padilla spoke in support of the concept. He requested the Governing Body be allowed to review as well as be fully briefed on the details of the agreement when drafted.

Mayor De La Isla spoke in support of Zoo leadership and staff. She expressed concern with ensuring the agreement includes all details, even during difficult financial times so the City would be safeguarded and the Zoo would continue to be successful.

Councilmember Hiller commended the Zoo and staff and stated the idea appeals to her; however, she has many questions about how it would be structured and what the agreement would include.

Councilmember Lesser asked for clarification if all Zoo employees would transition to FOTZ and how the changes would be structured. He asked Mr. Wiley to comment on his commitment to a private-public partnership.

Brendan Wiley stated all employees would eventually be transitioned to FOTZ and an organizational chart has not been discussed at this point in the process. He stated he believes a private-public partnership would support the Zoo's growth and provide a solid operational model for both the City and FOTZ.

Councilmember Mays left the room.

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

Jennifer Goodrich, Assistant City Clerk gave a brief overview of the June 11, 2019 Governing Body agenda.

Brent Trout, City Manager, announced the Topeka Fire Department won the Battle of the Badges Blood Drive as well as sponsor Camp Courage for High School Freshman-Senior girls. He noted more information about Camp Courage was available on the City's website at www.topeka.org. He reported many City departments are working with Heartland Park and preparing for the Country Stampede event June 20-22, 2019; however, the street improvement

project along Gary Ormsby Drive will be postponed due to the event. He stated the City Code Enforcement Division continues to work to remove overgrown vegetation and reminded citizens to utilize SeeClickFix to report properties in need of attention. He also announced the Topeka Municipal Court Clean Slate Day would be held on September 20, 2019, and volunteers that would like to assist should contact Court Services at 785-368-3776.

Mayor De La Isla announced upcoming Heartland Park events including the NHRA Races June 7-9, 2019, as well as the Country Stampede June 20-22, 2019. She encouraged people to check events on the www.topeka365.com website and announced the First Friday Art Walk on June 7, 2019. She introduced Washburn University Intern, Ian Trapp assisting in the Mayor's office for the summer. She referenced the U.S. Census starting April 1, 2020, and its importance to the community. She stated a census committee would be formed by the Mayor to engage other organizations in the process. She offered her condolences to the family of Israeli President Reuven Rivlin.

Councilmember Padilla congratulated the Topeka Fire Department on winning the Battle of the Badges Blood Drive. He stated the 2019 Germanfest was a great event attended by many in the community. He announced the Topeka Center for Peace and Justice would host Healing Gun Violence: Exploring Evidence-based Strategies to Create a Safer Community Conference on June 7, 2019 from 7:30 a.m. to 12:00 p.m. at the Pozez Education Center (Stormont Vail Health Campus) located at 1500 SW 10th Street.

Councilmember Jensen commented on the loss of the historic Trails Market and Gallery building located at 109 N. Kansas Avenue on May 30, 2019, and thanked the Topeka Fire Department and others who assisted those in need during the tragedy.

Councilmember Coen commended the Topeka Police and Fire Departments on the Battle of the Badges Blood Drive.

Councilmember Lesser congratulated the Seaman High School Boys Baseball Team on winning the 5A State Baseball Championship.

Councilmember Hiller commended Mr. Chris Payne and Heartland Park for hosting the Country Stampede June 20-22, 2019. She commented on gun control issues and finding the right balance for the community. She suggested the state legislature review giving back local authority on gun control to municipalities. She announced the SENT Program would host a Community Breakthrough Event on June 8 and June 10, 2019, at the Cyrus Hotel and The Pennant. She also announced the City Department of Neighborhood Relations would host a Neighborhood University on June 11, 2019.

Councilmember Clear thanked the Topeka Fire Department and others in assisting with the Trails Market and Gallery building fire at 109 N. Kansas Avenue. She announced she would be meeting with the American Legion Auxiliary Sunflower Girls on June 7, 2019, to discuss the different levels of government.

Connie DeHart, Henry McClure, Teresa Miller and Joseph Ledbetter appeared to speak under public comment.

Councilmember Ortiz moved to recess into executive session for a period of time not to exceed 30 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; Human Resources Director, Jacque Russell; Deputy Utilities Director, Braxton Copley; Deputy Administrative and Financial

Services Director, Nick Hawkins; Senior Assistant City Attorney, Catherine Walter; Outside Legal Counsel, Kim Seten; Payroll Manager, Theresa Steinlage and City Attorney, Lisa Robertson. The motion seconded by Councilmember Coen carried unanimously. (9-0-0)

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

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:10 p.m.

(SEAL)

Brenda Younger
City Clerk

	FOTZ 2018	FOTZ 2017	2013 Zoo Budget
Conservation Expenses	25,261.39	20,054.71	-
Docent Supplies	1,000.00	3,871.14	-
Concession Expenses	62,837.88	40,411.35	29,046.86
Seasonal Staff	159,683.86	160,297.71	47,352.88
Janitorial Supplies	4,150.97	3,808.47	4,000.00
Website and Online Store Marketing and Printing			
	252,934.10	228,443.38	80,399.74

City of Topeka Zoo Budget	2016 Budget	2016 Actual	2017 Budget	2017 Actual	2018 Budget	2018 Actual
Revenue	524,389.00	533,335.00	533,104	467,332	580,000	574,506
Expense	2,364,797.00	2,375,174.00	2,499,978	2,610,591	2,595,276	2,630,937
Difference	(1,840,408.00)	(1,841,839.00)	-1,966,874	-2,143,259	-2,015,276	-2,056,431
3 yr avg based on budget		(1,940,853.00)				
3 yr avg based on actual		(2,013,843.00)				
Average annual growth 2016 to 2017 and 2017 to 2018		115,240.00	4.74%			