

Governing Body Minutes – March 3, 2020

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, March 3, 2020. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Hiller, Valdivia-Alcala, Emerson, Padilla, Naeger, Dobler and Lesser - 7. Mayor De La Isla presided -1. Absent: Councilmembers Ortiz and Duncan -2.

AFTER THE MEETING was called to order in memory of former Topeka Mayor Bill Bunten, Mayor De La Isla provided the invocation.

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

APPOINTMENTS were presented as follows:

BOARD APPOINTMENT recommending the appointment of Dave Frederick to the Topeka Landmarks Commission for a term ending December 31, 2022, was presented. (*Council District No. 1*)

BOARD APPOINTMENT recommending the reappointment of Darcella Goodman to the Shawnee County Community Corrections Advisory Board to fill an expired term expiring March 2, 2022, was presented.

Councilmember Emerson moved to approve the appointments. The motion seconded by Councilmember Dobler carried unanimously. Mayor does not vote. (7-0-0)

AN UPDATE on preparations being made by the Shawnee County Health Department and Shawnee County Emergency Management for the Coronavirus (COVID-19) was provided by Dr. Gianfranco Pezzino, M.D., M.P.H., Center for Sharing Public Health Services; and Linda Ochs, Director of Shawnee County Health Department.

AN UPDATE on local efforts being made to promote the importance of the 2020 United States Census was provided by Councilmember Padilla and Monique Glaude, Community Engagement Director.

A PRESENTATION on the 2019 Public Works Year End Report was presented by Brian Faust, City Engineer.

A PRESENTATION on the 2019 Financial Services Year End Report was presented by Jessica Lamendola, Administrative and Financial Services Director.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9164 introduced by Councilmember Karen Hiller, approving a special event known as the 2020 Mater Dei Irish Fest was presented. (*Council District No. 1*)

RESOLUTION NO. 9165 introduced by Councilmember Karen Hiller, approving a special event known as 99.3 The Eagle Cruise Night 2020 was presented. (*Council District No. 1*)

RESOLUTION NO. 9166 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. (*Council District No. 1*)

APPROVAL OF MINUTES of the regular meeting of February 18, 2020, was presented.

APPROVAL of the following Open After Midnight licenses was presented:

<u>Business Name</u>	<u>Address</u>
Burger Stand Topeka	1601 SW Lane Street
Glazed Goose Bar & Grill	5630 SW 29 th Street
Happy Bassett Brewing Company	510 SW 49 th Street
Henry T's	1521 SW 21 st Street
Hooters	6100 SW 10 th Avenue
Hy-Vee #1658	2951 SW Wanamaker Road
Hy-Vee Gas	6011 SW 29 th Street
Riegel's 20's West	901 SW Fairlawn Road, Ste 101
Ryan's Pub	2910 SW Oakley Avenue, Ste D
Taco Bell	101 SE 29 th Street
Taco Bell	1560 SW Wanamaker Road

<u>Business Name</u>	<u>Address</u>
Taco Bell	2013 N. Topeka Boulevard
The Bar N Grill	2121 SW Belle Avenue
Topeka Country Club	2700 SW Buchanan Street

Councilmember Lesser moved to approve the consent agenda. The motion seconded by Councilmember Dobler carried. Councilmember Naeger was out of the room. (7-0-0)

DISCUSSION on the demolition of the structures located at 1104 and 1108 SW Western Avenue, located within the boundaries of the Holliday Park National Historic District within the City of Topeka, Kansas, pursuant to K.S.A. 75-2724 was presented. (*Council District No. 1*)

Councilmember Naeger entered the room.

Bill Fiander, Development and Planning Department Director, provided an overview of the process for the demolition of properties in a historic district. He stated the Governing Body must determine there are no feasible and prudent alternatives to demolition; and that all possible planning has been done to minimize any adverse effects on historic preservation.

Sasha Haehn, Department of Neighborhood Relations, provided an overview of the condition of the structures and property. She stated because the repair costs are more than 30% of the replacement cost neither repair nor replacement of the structures would be feasible; therefore, staff supports the demolition of both properties.

Councilmember Hiller asked staff to elaborate on the required notification of all property owners within the historic district. She reported the neighbor located across the street from the properties support the demolition.

Bill Fiander reported notification was sent to all property owners in the historic district on February 17, 2020, to allow anybody the opportunity to step forward to preserve and/or rehabilitate the structures. He stated staff has received one inquiry on the properties.

Councilmember Naeger questioned the expected effect the demolitions would have on neighboring properties; and if there would be historic restrictions on the properties for interested developers.

Sasha Haehn stated she believes the property value would improve with the demolition of the dilapidated structures.

Bill Fiander stated all historic districts have to follow National Parks Service Standards approved by the Local Historic Landmarks Commission and the City of Topeka would not impose any additional restrictions on the properties.

Councilmember Hiller asked for additional information on the person interested in the properties.

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

Brent Trout, City Manager, reported a number of meetings have been conducted related to the consideration of changing the governance of the Topeka Zoo. He spoke in support of FOTZ managing the Topeka Zoo and noted staff would provide details on the process to date.

Doug Gerber, Deputy City Manager, provided an overview of the process and reported Lisa Robertson, City Attorney, has drafted a license and management agreement and meetings with labor union representatives are complete. He stated a number of issues were identified as a result of one-on-one meetings with members of the Governing Body. He reported a comprehensive question and answer document will be compiled and presented to the Governing Body in the future. He reported questions relate to the following:

- Ownership of Facility and Animals
- Protection for all Parties Involved
- Amount of Outstanding Debt
- Board Representation
- Employee Transition

He noted there seems to be general support to move forward with the proposal with a time table of continued discussions with the AFT Employee Bargaining Unit; finalizing the financial information in the document as it relates to the Capital Improvement Plan; finalizing the asset list; finalizing ownership in regards to the City and/or FOTZ, or hybrid that works best for both. He stated there would be at least one or two more discussions before staff would request action from the Governing Body and if it was agreed to move forward, action items may be presented in May or June, and include approval of the license and management agreement, amending the Topeka Municipal Code, and changes to the AFT Bargaining Unit Agreement.

Councilmember Valdivia-Alcala spoke in opposition of the draft agreement. She referenced Article 7, Section 7.2 – Bargaining Unit Employees; and Section 7.4(a) – Oversight of Zoo Employees – Responsibility. She asked staff to clarify the two sections.

Doug Gerber reported in the general sense; the ideal for the agreement would be that employees transfer from the City to FOTZ with the assurance employees will be treated fairly and appropriately. He noted the three employees that are close to retirement (3 years or less) under the KPERS Retirement System would have the option to remain City employees until retirement, with FOTZ honoring the terms of the agreement.

Councilmember Valdivia-Alcala expressed concern with the private/public partnership as it relates to the human resources component for employee protection; the potential for new employees to receive lower starting wages over time; and the competitive wages and benefits being proposed seem low. She asked if the City could consider utilizing the “Choose Topeka” program being offered by the Greater Topeka Partnership. She asked Brendan Wiley, Topeka Zoo Director, to list the top three reasons why he supports the proposal.

Brendan Wiley, Topeka Zoo Director, reported employees would not be members of a

City bargaining unit; however, FOTZ would have protections in place similar to current City of Topeka employment systems including a human resources partner. He stated all budget models anticipate wages currently being paid, and the expectation was to hire qualified employees with competitive wages. He reported the top three reasons he supports the proposal include (1) budget compression; (2) the City cannot sustain operational growth parallel to infrastructure needs; and (3) the current funding source does not fit the user base.

Councilmember Valdivia-Alcala questioned residency requirements of the City as it relates to the management and license agreement and the governance of the Zoo. She asked Mr. Wiley if he resides in Shawnee County as well as if he was a registered voter.

Brendan Wiley stated he meets the City of Topeka residency requirement.

Mayor De La Isla questioned the legal bearing of the residency questions and cautioned Councilmember Valdivia-Alcala against asking certain types of questions that may result in putting the City in a difficult position.

Councilmember Valdivia-Alcala challenged the ruling of the chair and stated she believes the questions are germane to the topic. She stated she continues to have questions about this particular issue and requested the City Attorney clarify how the topic was not relevant to the discussion.

Lisa Robertson, City Attorney, stated the topic being discussed was governance of the Topeka Zoo and the management and license agreement. She stated direct questions about residency do not relate to the license agreement, and perhaps, should be discussed at a different time.

Councilmember Valdivia-Alcala expressed her opposition to the ruling and stated she believes the topic needs to be addressed, especially if the proposal was not approved. She stated

she inquired further on the residency information because the forms provided to her by City Manager Trout appear to reflect compliance of the City's residency requirement by all directors; however, there was no way of knowing on an annual, bi-annual or tri-annual basis if a director was still living in Shawnee County. She noted one of the items used to verify residency was proof of voter registration.

Brent Trout confirmed proof of voter registration was only one of the many items allowed to be presented for proof of residency.

Mayor De La Isla respectfully requested the discussion topic remain on governance of the Topeka Zoo and the management and license agreement. She requested the City's residency policy be discussed on a future agenda.

Councilmember Valdivia-Alcala again expressed her opposition to the ruling. She stated she believes the residency requirement was germane to the topic being discussed.

Councilmember Hiller requested staff provide clarification on the proposed direction of the City. She asked if the City wanted to hire a management company to run a City owned zoo; or will the City provide start up and reversion rights for a new company to run their own zoo. She stated it was her understanding FOTZ wanted full separation of the Zoo from the City so they were free to grow the Zoo and raise funds without being burdened by municipal government regulations; however, the documents presented by staff do not reflect this.

Brendan Wiley reported the Vision has not changed; however, since the license agreement has come to fruition the direction of the conversation may have changed. He reported there have been some deed restrictions that have surfaced and the City was proposing to hire a mission based organization to help excel the growth potential of the Topeka Zoo.

Councilmember Hiller stated she continues to have questions such as insurance

requirements by both entities and noted the City was self-insured. She asked if the City was expecting a net gain or to reposition what the City already has in place.

Brendan Wiley stated the Community would receive a net gain with the intent over time for the cost and/or liability of the City to become fairly stable with additional support secured through FOTZ.

Doug Gerber confirmed the Vision has not changed; however, in terms of other conversations staff has had with the Governing Body, there have been other suggested alternatives given for consideration as discussions continue.

Councilmember Lesser explained different types of insurance protections and noted very few entities self-insure. He stated there are details that need to be worked through regarding protection for the City and FOTZ, and how it relates to common practice with these types of agreement proposals or partnerships. He recognized there are a number of issues that need to be worked through; however, he believes the license agreement was a good place to start.

Councilmember Dobler stated he struggles with voting on the proposal until a master plan has been drafted for Gage Park providing him the understanding of how the zoo fits in the overall plan for the area. He stated he would support an initial 5-year term agreement with the ability to revise as needed as opposed to the 15-year term currently being proposed in the agreement.

Councilmember Naeger stated she concurs with Councilmember Dobler. She encouraged staff to work with Shawnee County to develop a Gage Park Master Plan.

Doug Gerber reported approximately two years ago, Shawnee County began moving forward with a Gage Park Master Plan and the City was prepared to contribute funding towards the plan; however, since that time Shawnee County has put those efforts on hold. He assured the

Governing Body that staff understands the importance of integrating the two master plans.

Brent Trout reported it may be a few months before Shawnee County will begin to engage in the drafting of a Gage Park Master Plan as they are currently working on a Family Park Master Plan.

Brendan Wiley stated the Zoo's current master plan mainly consists of the renovation and/or rehabilitation of the zoo, addressing an extensive amount of repair to old infrastructure. He noted the next master plan would address future expansion within the fence boundary of the zoo.

Councilmember Hiller questioned the expected timeline for the proposal.

Doug Gerber reported initially the ideal timeframe to move forward with the proposal would be in conjunction with, or prior to, the adoption of the 2021 City of Topeka Operating Budget; however, given the recent discussions, this may not be accomplished based on how conversations progress in regards to a Gage Park Master Plan.

DISCUSSION of the proposed 2021-2030 Capital Improvement Plan (CIP) and 2021-2023 Capital Improvement Budget was presented.

Jessica Lamendola, Administrative and Financial Services Director, provided an overview of the process and handouts to date. She stated the question related to Topeka Zoo and Fire Department debt will be distributed by the end of the week, and on March 17, 2020, discussion will address final questions with the intent to adopt the CIP on April 7, 2020.

Jeff White, Columbia Capital Title Company and City of Topeka Financial Advisory provided an overview of the borrowing options for cities including the purpose of borrowing, key constraints, types of debt, and the use of leases in terms of operating vs. financing.

Helen Simmons expressed concern with the realignment of the Polk-Quincy Viaduct

Project. She stated she believes there are other options such as improved signage and other safety features that could be utilized instead of expending over \$200 million for improvements.

Councilmember Hiller expressed her appreciation to staff for providing detailed information on the CIP. She stated she believes the combination of her proposals will bring the proposed budget at or below the City's debt service limit as outlined in City policy. She stated she supports borrowing as little as possible and reducing the amount of overall debt. She encouraged staff to consider all financing options regarding the Polk-Quincy Project as well as other major projects supporting the most cost effective way to manage tax dollars. She asked the Governing Body to consider the following:

- Revert the \$1 million annually earmarked for fleet purchases back into the operating budget. She believes most of the purchases would not meet the City's debt policy test of being major purchases and long-term investments; and the cost of bonding would likely not be cost effective with 5-10 year payback periods. She would be willing to consider leasing; however, she prefers to budget snow removal annually with the intent of buying equipment when possible (during mild winters).
- In reference to the Facility Budget (\$1.6 - \$2.3 million in borrowing and \$300,000 cash) as well as the list of what facility projects entail. She referenced the practice of pooling projects to reach a threshold and requested to revert back to approving individual project amounts over \$125,000 and budget each project by year. She anticipates it will net \$700,000 to \$1 million annually in capital projects as opposed to the \$2.3 million being proposed at this time.
- She requested the purchase of fire trucks revert back to cash through the use of the operating budget, debt service cash as well as year-end cash over the next three years. She noted Heartland Park and College Hill debt service payments will end in 2024 or 2025 with conversion starting this year or next.

PUBLIC COMMENT was expressed by the following individuals:

Charlene Sexton expressed concern with the blighted property located at 2129 SE Kentucky Avenue. She stated the blighted structure causes social, personal and public safety issues. She asked the City to help her secure the property for the safety of the neighborhood.

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

Brenda Younger, City Clerk, provided an overview of the March 10, 2020, Governing Body Agenda.

Brent Trout, City Manager, announced the next City of Topeka Budget Workshop public input session would be held March 7, 2020, at 10:00 a.m. at the Topeka Shawnee County Public Library. He also announced a joint Topeka Zoo and U.S. Census Bureau press conference would be held on March 5, 2020, to bring more attention to the need to be counted.

Mayor De La Isla thanked staff for their work in containing the 2019 budget and allowing the City to meet budget deadlines and providing the ability for the City to fully fund senior centers. She announced her daughter would be serving on the TopCity Youth Council representing Council District No. 5 and noted she was the only student that applied. She congratulated Greater Topeka Partnership (GTP) for implementing the new Topeka Plug and Play Initiative. She offered her condolences to the family of Bill Bunten, former Topeka Mayor.

Councilmember Padilla announced AARP Kansas will host a Facebook live telephone town hall event to discuss the upcoming 2020 National Census featuring City Manager Brent Trout on March 4, 2020, at 6:00 p.m.

Councilmember Naeger thanked staff for providing detailed information on the Capital Improvement Plan (CIP). She thanked Topeka Fire Chief Craig Duke for providing her a tour of the fire stations located in District No. 7. She announced she would host a Meet & Greet on March 22, 2020, at PT's Coffee at 2:00 p.m. located at 17th and Washburn Avenue.

Councilmember Dobler expressed his appreciation to staff for resolving a neighborhood issue in District No. 8. He offered his condolences to the family of Bill Bunten, former Topeka Mayor.

Councilmember Lesser thanked Topeka Fire Chief Craig Duke for resolving an issue in

District No. 9.

Councilmember Hiller commended Councilmember Padilla for his work to promote the 2020 U.S. Census. She offered her condolences to the family of Bill Bunten, former Topeka Mayor.

Councilmember Valdivia-Alcala offered her condolences to the family of Bill Bunten, former Topeka Mayor. She announced she met with Oakland NIA members and City Utilities staff members concerning the continued challenges related to the Seward Avenue project, specifically with the curb extensions. She stated discussions will continue in regards to a resolution to addressing water retention issues and the loss of valuable parking spaces for festivals in the area.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:56p.m.

(SEAL)

Brenda Younger
City Clerk