

Governing Body Minutes – March 21, 2017

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 21, 2017. The Governing Body members of the City of Topeka met in session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Clear, Ortiz, De La Isla, Jensen, Coen and Harmon -7. Mayor Larry E. Wolgast presided -1. Absent: Councilmembers Emerson and Schwartz -2.

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 Auto Theft Crime and Prevention was given by Kris Kramer, Topeka Police Chief.

Doug Gerber, Interim City Manager, requested Agenda Item 5A, a development agreement with the Downtown Topeka Foundation, be withdrawn from the Council agenda. He reported more discussions are needed to work through the details of the agreement.

Upon hearing no objections, Mayor Wolgast announced Agenda Item 5A would be withdrawn from the Action Items on the Council agenda.

THE CONSENT AGENDA was presented as follows:

DENIAL of a Tort Claim Appeal submitted by Jennifer Ditch, in the amount of \$1,000 for alleged damages to her vehicle from a pothole, was presented.

DENIAL of a Tort Claim submitted by Victoria Schultz seeking \$18,797.17 in civil damages was presented.

ORDINANCE NO. 20058 introduced by Interim City Manager Doug Gerber, allowing and approving City expenditures for the period of February 4, 2017, through March 3, 2017, and enumerating said expenditures therein was presented.

MINUTES of the regular meeting of March 14, 2017, was presented.

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

<u>Business Name</u>	<u>Address</u>
The Barn Grill	2121 SW Belle Avenue
Gayle's	600 NW Paramore Street
Happy Bassett Brewing Co.	6044 SW 29 th Street
IHOP	1731 SW Wanamaker Road
Louie's Lounge & Laundromat	1501 SW 21 st Street #109
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
Riegels 20s West	901 SW Fairlawn Road #101
Serendipity	820 N Kansas Avenue
Sk8 Away	815 SW Fairlawn Road
Tailgators	2025 SW Urish Road #108
Walmart #1802	1501 SW Wanamaker Road
Walmart #2131	1301 SW 37 th Street
Walmart #5441	2600 NW Rochester Road

Councilmember De La Isla moved to approve the consent agenda. The motion seconded by Councilmember Harmon carried unanimously. (8-0-0)

DISCUSSION of proposed amendments to the Topeka Zoning Regulations, Title 18 of the Municipal Code regarding (1) conversion of the existing C-5 zoning to D-1 zoning and (2) miscellaneous other amendments was presented.

Bill Fiander, Planning Department Director, gave a brief background of the zoning codes that are reviewed every couple of years to look for ways to make the codes more user-friendly, modernized and aligned with the Land Use and Growth Management Plan. He discussed findings to update C-5 zoning to the proposed D-1 zoning and making several smaller miscellaneous changes such as updating downtown zoning which includes a collaborative process with committees and public hearings. He summarized proposed new uses such as artisan

manufacturing, micro-distilleries, mobile retail vendors, truck stops and free little libraries as well as making updates to cargo containers, fences, decks and sign conditions. He explained the D-1 design guidelines have a disclaimer that not all guidelines will or are intended to be met as they offer flexibility and indicate the code is open to design features equal to or better than those stated.

A series of questions were asked by the Governing Body concerning:

- Sign Regulations (1) would existing signs be grandfathered in (2) would the changes apply to temporary signs (3) would the type of sign materials change and (4) would signs left in place by businesses that no longer exist be addressed.
- Downtown Area (1) if infill development currently in the construction phase along S. Kansas Avenue would be affected (2) if the proposed new zoning guidelines would help promote downtown growth (3) would the zoning changes effect uses of basement areas and (4) are there changes proposed for downtown parking.
- Fencing/Decking (1) how is location of right-of-way determined (2) what are the height restrictions along arterial streets and for decks (3) will it address fences in disrepair and (4) will it address fencing permit issues in the Westboro neighborhood.
- Code Enforcement (1) what is the process if individuals are noncompliant with code requirements.
- Cargo Containers (1) what are the requirements of cargo containers and (2) how will code compliance issues be regulated.

In response Bill Fiander reported the following:

- There may be a couple of signs grandfathered in as a result of the changes; no new zoning changes apply to temporary signs or basements; the zoning changes do not specify what type of sign material to use; sign conditions would be addressed in the new changes and making code requirements more user-friendly and understandable.
- The infill development on S. Kansas Avenue would preserve the integrity of the downtown area and follow zoning guidelines; the zoning changes would give confidence to investors that their assets as well as the value of their buildings are protected; any exceptions would follow the variance process; and there are no changes to parking.
- An example of how to approximately measure the right-of-way was provided; 8 foot fence can be located behind a house and on property setback; and property maintenance code deals with fences in need of repair.
- Staff helps ensure constituents are conforming to code requirements; violations would follow general code enforcement guidelines; decks would have a height requirement; and sign conditions would be defined to help with enforcement
- Cargo containers involve approval by the Planning Department for zoning compliance and the Property Maintenance Division would regulate the property the container is

located on. He noted during construction periods cargo containers are exempt with a permit.

Doug Gerber, Interim City Manager, stated the ordinance would be presented for consideration at an upcoming Council meeting.

DISCUSSION regarding the process for the recruitment of a City Manager was presented.

Doug Thomas, Strategic Government Resources (SGR) Senior Vice President, gave an overview of the following:

- Executive Search Process
- Selection of Semi-finalists and Finalists
- Community and Governing Body Engagement
- Candidate Interview Process with Detailed Analysis
- DISC Assessments

Mr. Thomas provided an overview of SGR and its core values; website recruitment outreach; social media and job boards; analysis and assessments of applicants; and the timeline of the process.

Mayor Wolgast requested copies of the presentation be distributed to the Governing Body.

Councilmember De La Isla suggested making the presentation available on the City's website to explain the process to citizens as they move forward. She questioned if the Governing Body could call other cities for references of applicants and asked if individuals from each council district could discuss important issues with SGR to get a grasp of what is important to citizens.

Councilmember Hiller questioned how long each session would be expected to last. She expressed concern with the timeline being in May along with budget discussions. She suggested special meetings be scheduled to conduct more in-depth discussions with applicants.

Councilmember Jensen asked if it was anticipated the position would be filled by the end of the year.

Doug Thomas stated the overall timeline to fill the position would depend on the number of applicants interviewed and noted the typical executive search process is completed within 90 days followed by the final selection of a candidate.

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

Doug Gerber, Interim City Manager, encouraged everyone to participate in the 2018 City of Topeka Budget polls available on social media. He welcomed new Topeka Fire Chief Craig Duke. He announced the Topeka Zoo hosted a graduation ceremony on March 17, 2017, for the docent program participants; and the Topeka Fire Department would host a graduation ceremony on March 22, 2017.

Mayor Wolgast announced a JEDO Board meeting would be held on March 29, 2017 at 6:00 p.m. in the City Council Chambers.

Councilmember De La Isla stated she would not be attending the JEDO Board meeting and would assign a proxy. She commended Ron Raines, Street Maintenance Director and staff for their work and collaboration with surrounding communities regarding Topeka's street initiatives. She thanked individuals for attending the press conference regarding diversity and inclusion in corporate business on March 21, 2017; and invited chief executive officers as well as senior executives to attend a discussion on diversity and inclusion in the workplace on March 27, 2017 at the Westar Amphitheater from 3:00 p.m. to 5:30 p.m. She announced Heartland Park would host a Fan Appreciation Event "Drag Race Test-N-Tune Free Spectator Admission" on March 25, 2017 starting at 11:00 a.m.

Councilmember Jensen commended the City of Topeka new utility reporting tool “SeeClickFix” which helps citizens report issues around town and stated it is an incredible communication tool for the community.

Councilmember Hiller reported she is participating in the Nebraska Bike Walk Summit, a partnership between the Nebraska Walkable Communities Project and Nebraska Bicycling Alliance on March 23, 2017.

Councilmember Clear announced the Boys and Girls Club of Topeka would host the 2017 Great Futures Gala on March 28, 2017, at the Ramada Inn Downtown.

Joseph Wakefield, JoAnn Peavler, Ted Mize and Joseph Ledbetter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:18 p.m.

Brenda Younger
City Clerk