

Governing Body Minutes – January 2, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, January 2, 2018. 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, De La Isla, Jensen, Schwartz, Coen and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Councilmember De La Isla gave the invocation.

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

Councilmember Clear requested agenda item 7A, discussion regarding approval of 2019 Social Services and Contracted Services grant allocations be considered as an action item.

Upon hearing no objections, Mayor Wolgast announced the item would be placed on the Governing Body agenda under Action Items as item 6B.

BOARD APPOINTMENT recommending the appointment of Corliss Lawson to the Topeka Planning Commission for a term ending September 30, 2021, was presented.

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

THE CONSENT AGENDA was presented as follows:

DENIAL of a Tort Claim submitted by Jordyn Mullins, on behalf of Complete Nutrition, seeking \$100,000 to compensate for lost revenues, allegedly attributed to construction at SW 21st Street and SW Wanamaker Road, was presented.

DENIAL of a Tort Claim submitted by Charles Cozad in the amount of \$125 for alleged damages to his vehicle from hitting a pothole was presented.

ORDINANCE NO. 20108 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of October 28, 2017, through December 1, 2017, and enumerating said expenditures therein was presented.

Councilmember De La Isla moved to approve the consent agenda. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

ORDINANCE NO. 20109 introduced by City Manager Brent Trout, amending the “District Map” referred to and made a part of the Zoning Ordinance by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at the northeast corner of SW Westport Drive and SW 22nd Terrace FROM “O&I-2” Office and Institutional District TO “PUD” Planning Unit Development for “O&I-2” Office and Institutional use group plus self-service laundry use was presented. (PUD17/04)

Brent Trout, City Manager, reported the request was remanded back to the Planning Commission on December 5, 2017, to reconsider the 24-hour laundry operation and the potential traffic impact it would have on the area.

Bill Fiander, Planning Department Director, stated the Planning Commission noted several reasons for recommending a 24-hour operation including flexibility for night shift workers, requiring a staff attendant be present at all times; the business will provide a safe and secure place; and the designated zoning would provide for other 24-hour potential uses such as a gym or health clinic. He noted many of the concerns expressed by residents regarding noise were shifted away from residents by re-orienting the building entrance to the north.

Councilmember Harmon questioned the rationale of staff for originally recommending a 16 to 18 hour operation.

Bill Fiander stated the goal was to compliment the character of a residential neighborhood by supporting normal business hours and closing at 10:00 p.m.

Councilmember Jensen spoke in opposition of a 24-hour operation in a residential area; however, he would support a 16-hour operation.

Councilmember Emerson moved to adopt the ordinance. The motion was seconded by Councilmember Hiller.

Lisa Robertson, City Attorney, suggested the following amendments:

- Add the words “as amended” after the words “shall be recorded” in Section 2 on the first page.
- Renumber the Sections and add a new Section 3 to state, “The hours of operation shall be limited to opening no sooner than 6:00 a.m. and closing no later than 10:00 p.m. during each day of operation.”

Councilmember Jensen moved to amend the ordinance as stated by the City Attorney. The motion seconded by Councilmember Ortiz carried. Councilmembers Clear, Schwartz, Hiller and Mayor Wolgast voted “no.” (6-4-0)

Councilmember Hiller spoke in support of the ordinance; however, she prefers the developer’s proposal of a 24-hour operation.

Mayor Wolgast asked members of the Governing Body to declare ex parte communications.

Mayor Wolgast and Councilmembers Hiller, Clear, Ortiz, Emerson, De La Isla, Jensen, Schwartz, Coen and Harmon declared ex parte communications in the form of emails and phone calls from proponents and opponents. They noted despite the communications received they were able to make a fair and objective decision on the application based on the evidence provided in the record.

The motion to adopt the ordinance as amended 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 the 2019 Social Services and Contracted Services allocations in the amount of \$796,233 was presented.

Councilmember Clear, Economic and Community Development (ECD) Committee Chair, reported the Committee recommended approval by a vote of 3-0-0 on November 8, 2017, for a total grant allocation amount of \$796,233 (\$211,233 for Contracted Services and \$585,000 for Social Services). She stated the amount includes funds for contracted services to move to the appropriate departments as well as social service grant applicants.

Councilmember Clear moved to adopt the Committee's recommendation. The motion was seconded by Councilmember Jensen.

Councilmember Hiller commented on the history of the grant process and how it has evolved over the past eight years. She questioned the \$211,233 being absorbed into department operational budgets for agencies that provide contracted services and if the application scoring would still be reviewed for the agencies providing contracted services.

Councilmember Clear stated the contracted service agencies will still be required to submit quarterly reports to staff.

Sasha Haehn, Department of Neighborhood Relations Director, stated quarterly reports (financial and performance outcomes) would still be required and reviewed by staff; however, the ECD would determine if they would like to review the reports annually, semi-annually or quarterly. She noted the \$211,233 would move into department operational budgets in 2019.

Councilmember Clear stated she believes there is no reason the allocations should be considered again by the Governing Body because the allocation process would be handled through the Committee.

Councilmember Hiller stated there have been years when the Governing Body was involved in the entire process and she believes that helped the Governing Body stay informed and supports a transparent process.

Councilmember Ortiz spoke in opposition of the Committee process as she believes it should be handled at the Governing Body level as it is there duty to review and allocate the grants for social service agencies.

Councilmember De La Isla stated the process changed because there were many organizations receiving funds that did not produce measurable outcomes. She suggested the Governing Body determine what their funding priorities are in regards to grants and then provide directive to the Committee.

Councilmember Jensen stated he concurs with Councilmember De La Isla and stated the application and scoring process was established to make it fair and equitable for all agencies. He spoke in support of removing contracted services from the process and holding departments responsible for ensuring services are being provided in the most efficient and effective way. He thanked the Committee for their work and organized process.

Councilmember Schwartz spoke in support of the process and thanked the Committee for their work.

Councilmember Hiller clarified that she agrees with the process and believes it works and was a good solution to address the issues surrounding the grant allocation process; however, the Governing Body should remain fully informed on the process by being provided all the information included in the application packet.

The motion to adopt the Committee's recommendation carried. Councilmember Ortiz voted "no." (9-1-0)

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

A SERVICE RECOGNITION CEREMONY for the following elected officials was conducted:

- Mayor Larry E. Wolgast
- Councilmember Michelle De La Isla, Council District No. 5
- Councilmember Elaine Schwartz, Council District No. 7
- Councilmember Richard Harmon, Council District No. 9

Brenda Younger, City Clerk, gave a brief overview of the January 8, 2018 Governing Body agenda.

Brent Trout, City Manager, announced the final candidates for the Topeka Police Chief position and invited the community to attend a Meet and Greet at the Downtown Ramada Inn on January 4, 2018, from 5:30 p.m. to 7:00 p.m. He encouraged citizens to provide him feedback on the candidates.

Governing Body members offered their condolences to the Sally Zeller family and announced a celebration of life ceremony would be held January 6, 2018, at 10:30 a.m. at Fellowship Bible Church.

Councilmember Coen commended City employees working in cold weather conditions to provide services to the community.

Councilmember Harmon stated Topeka is the economic engine of Shawnee County and surrounding counties and the Governing Body needs to make economic development strategies and goals a priority. He encouraged the Governing Body to be proactive in how strategic economic development happens in the city and collaborate with partners to make smart choices.

Governing Body members thanked Mayor Wolgast and Councilmembers De La Isla, Schwartz and Harmon for their service to Topeka and its citizens.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:24 p.m.

Brenda Younger
City Clerk