

Governing Body Minutes – January 16, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, January 16, 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, Padilla, Jensen, Mays, Coen and Lesser -9. Mayor Michelle De La Isla presided -1.

AFTER THE MEETING was called to order, Pastor Morris James, El Shaddai Temple, provided the invocation.

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

A PRESENTATION of the Kansas River Levee System Rehabilitation Project Phase II was given by Kelly Ryan, City of Topeka Levee Engineer.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8965 introduced by Councilmember Karen Hiller, approving a special event known as the 2018 Mater Dei Irish Fest was presented.

RESOLUTION NO. 8966 introduced by Councilmember Sandra Clear, approving a special event known as Topeka Civic Theater's Art of Murder to be held on June 8, 2018 was presented.

MINUTES of the regular meeting of January 8, 2018, was presented.

APPROVAL of Cereal Malt Beverage License applications for Fuzzy's Taco Shop located at 2614 SW 17th Street and Marisco's La Jaiva located at 2511 SE California Avenue, were presented.

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

ELECTION of a Deputy Mayor to serve a one year term pursuant to Topeka Municipal Code Section A2-26(b) was presented.

Councilmember Coen moved to nominate Councilmember Jensen to serve as Deputy Mayor.

Upon hearing no further nominations, Mayor De La Isla announced nominations were closed.

After the tally of votes, the City Clerk announced Councilmember Jensen received ten (10) votes.

Mayor De La Isla announced Councilmember Jensen would serve as Deputy Mayor.

ELECTION of two City Council voting representatives to serve a one-year term on the Joint Economic Development Organization (JEDO) Board was presented.

Councilmember Padilla moved to nominate Councilmember Lesser to serve on the JEDO Board.

Councilmember Ortiz moved to nominate Councilmember Padilla to serve on the JEDO Board.

Councilmember Jensen moved to nominate Councilmember Clear to serve on the JEDO Board.

Councilmember Clear withdrew her nomination.

Councilmember Coen moved to nominate Councilmember Hiller to serve on the JEDO Board.

Councilmember Hiller withdrew her nomination.

Councilmember Ortiz moved to nominate Councilmember Emerson to serve on the JEDO Board.

Upon hearing no further nominations, Mayor De La Isla announced nominations were closed.

After the tally of votes, the City Clerk announced Councilmember Padilla received eight (8) votes, Councilmember Lesser received eight (8) votes and Councilmember Emerson received four (4) votes.

Mayor De La Isla announced Councilmembers Padilla and Lesser would serve as voting members on the JEDO Board.

ELECTION of City Council representatives to the Metropolitan Topeka Planning Organization (MTPO) Policy Board was presented.

Councilmember Jensen moved to nominate Councilmembers Hiller and Emerson to serve on the MTPO Policy Board.

Councilmember Ortiz moved to nominate Councilmember Mays to serve on the MTPO Policy Board.

Councilmember Emerson withdrew his nomination.

Upon hearing no further nominations, Mayor De La Isla announced nominations were closed.

After the tally of votes, the City Clerk announced Councilmember Hiller received ten (10) votes and Councilmember Mays received ten (10) votes.

Mayor De La Isla announced Councilmembers Hiller and Mays would serve as MTPO Policy Board members.

RESOLUTION NO. 8967 introduced by City Manager Brent Trout, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to allow for a “Public Utility Facility, Type II (Sanitary Sewer Pump Station)” on property zoned “PUD” Planned Unit Development and located south of NW Williams Street and approximately 185 feet east of NW Tyler Street in the City of Topeka, Shawnee County, Kansas was presented. (CU17/02)

Brent Trout, City Manager, reported approval would allow construction of a new sanitary sewer pump station to replace the existing pump station.

Bill Fiander, Planning Department Director, stated the recommended conditions of approval related to site design, security fencing and limits on noise to ensure the pump station would be compatible with its surroundings. He stated the cost of constructing the new pump station has previously been budgeted for by the Utilities Department. He noted the existing pump station has not been the subject of reported complaints by residents or property owners.

Mayor De La Isla asked members of the Governing Body to declare ex parte communications and to indicate on the record that even in light of having engaged in the communication, they are able to fairly, objectively and impartially consider the measure based only upon the evidence provided on the record.

No ex parte communications were declared.

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

DISCUSSION on the Governing Body Rules and Procedures annual review was presented.

Lisa Robertson, City Attorney, reported staff has conducted its annual review of the Governing Body Rules and Procedures. She highlighted recommended changes to the following Rules:

- 2.7 - Duties of the City Clerk Relative to the Governing Body
- 3.1 – Governing Body Meetings
- 3.2 – Special Meetings of the Governing Body
- 5.1 – Preparation and Circulation
- 5.3 – Agenda Contents
- 6.2(c) – Motion to Strike
- 6.2(g) - To Reconsider and Motion/Item
- 8.5(b), (c) and (d) – Procedure for Committee Items

Councilmember Clear spoke in opposition of the deadline (90 calendar days) for items referred to a committee as proposed in Rule 8.5. She suggested the amount of days be reduced to 60 calendar days which she believes provides sufficient amount of time to conduct business.

Councilmember Hiller spoke in support of the 90 day timeframe for items referred to a committee. She stated she believes 90 calendar days was a reasonable amount of time for a committee to schedule and review items. She suggested the following amendments:

- Rule 3.2(e) - delete the following strikethrough language: The governing body may work in conjunction with staff to develop procedures to address particular issues during special meetings ~~called for the purpose of discussing the annual budget, (i.e., how budget amendments will be handled).~~
- Rule 5.1 – add language that would ensure all attachments are included on preliminary agendas as well as committee reports.

Councilmember Emerson stated he concurs with Councilmember Hiller and spoke in support of all documents being attached to preliminary agenda items.

Councilmember Clear requested amending Rule 8.5 to reflect 60 calendar days which allow sufficient time for a committee to report and resolve items.

Councilmember Ortiz spoke in support of allowing 90 calendar days to consider items in committee for the purpose of processing and discussing items thoroughly.

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

Brent Trout, City Manager, announced he would meet with staff on January 18, 2018, to begin reviewing the International Building Code, Life Safety Code and International Fire Code.

Mayor De La Isla encouraged citizens to download the “SeeClickFix” application. She expressed her appreciation to the people involved in organizing the “Living the Dream Events” throughout the community. She congratulated Bill Cochran on his appointment as the City of Topeka Police Chief. She thanked the National Puerto Rican Leadership Council for asking her

to address displaced citizens in Florida on January 20, 2018. She also announced she and Shawnee County Commissioner Kevin Cook are planning to schedule an open conversation between Shawnee County Commissioners and City Governing Body members on economic development and how it relates to the future of the community.

Councilmember Padilla expressed his appreciation to those that organized the “Living the Dream” events throughout the community as well as those who participated.

Councilmember Jensen thanked Governing Body members for electing him to serve as Deputy Mayor and stated he looks forward to working with the community, City staff and Governing Body members in 2018.

Councilmember Mays congratulated Bill Cochran on his appointment as the City of Topeka Police Chief. He thanked the Governing Body for electing him to serve on the MTPO Policy Board.

Councilmember Coen reported he attended the ground breaking ceremony for the St. Jude Hospital's New Home Giveaway event on January 10, 2018, and people could start purchasing raffle tickets on April 1, 2018.

Councilmember Lesser congratulated Bill Cochran on his appointment as the City of Topeka Police Chief. He expressed his appreciation to City employees working in severe weather conditions to provide services to citizens.

Councilmember Hiller expressed her appreciation for the “Living the Dream” event organizers and noted many great events were held throughout the community. She congratulated the new JEDO Board voting members and MTPO Policy Board members for being elected. She congratulated Bill Cochran on his appointment as the City of Topeka Police Chief. She noted a

discussion regarding fireworks has been tentatively scheduled for the February 6, 2018, Governing Body meeting and encouraged the community to attend and provide input.

Councilmember Clear announced the 2018 Designers' Show House Bare Bones Preview on January 19-21, 2018, from 10:00 a.m. to 5:00 p.m. located at 1551 SW Westover Road. She stated the event fundraiser would benefit children by supporting high-quality child care options for families.

Councilmember Emerson congratulated Bill Cochran on his appointment as the City of Topeka Police Chief. He expressed his appreciation to the “Living the Dream” event organizers and those who attended the local events.

Rose Welch, Sarah Oglesby-Dunegan, Neill Kennedy and Oshara Hayes appeared to speak under public comment.

Councilmember Coen 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 workers' compensation, as justified by K.S.A. 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Governing Body members; Brent Trout, City Manager; Doug Gerber, Deputy City Manager; Nickie Lee, Financial and Administrative Services Director; Lisa Robertson, City Attorney; Jacque Russell, Human Resources Director and Shannon Langston, Risk Manager. The motion seconded by Councilmember Lesser carried unanimously. (10-0-0)

Following a 15 minute time period, the Governing Body reconvened into open session and Mayor De La Isla announced no action was taken.

Councilmember Jensen moved to recess into executive session for a period of 20 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters related to

contract negotiations, as justified by K.S.A. 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Governing Body members; Brent Trout, City Manager; Doug Gerber, Deputy City Manager; Nickie Lee, Financial and Administrative Services Director; Jacque Russell, Human Resources Director; Nick Hawkins, Budget Manager and Lisa Robertson, City Attorney. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

Following a 20 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 8:05 p.m.

Brenda Younger
City Clerk