

## Governing Body Minutes – April 3, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, April 3, 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, Mays, Coen and Lesser -8. Mayor Michelle De La Isla presided -1. Absent: Councilmember Jensen -1.

Mayor De La Isla asked for a moment of silent meditation in honor of Linda Brown, Civil Rights Activist, and the child associated with the lead name in the landmark case Brown v. Board of Education, which led to the outlawing of U.S. school segregation in 1954.

AFTER THE MEETING was called to order, Gary Roten, Christians for Life, Inc., provided the invocation.

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

BOARD APPOINTMENT recommending the reappointment of Scott Tummons to the Topeka Metropolitan Transit Authority for a term ending May 1, 2022, was presented.

Councilmember Mays moved to approve the board appointment. The motion seconded by Councilmember Emerson carried unanimously. Mayor does not vote. (8-0-0)

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of March 20, 2018, was presented.

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

<b><u>Business Name</u></b>	<b><u>Address</u></b>
Abigail's Grill & Bar	3701 SW Plaza Drive
American Legion Capitol Post 1	3800 SE Michigan Avenue
Bob's Car Wash	2733 SE California Avenue
Bob's Car Wash	3162 SE 6 <sup>th</sup> Avenue
Boobie Trap Bar	1417 SW 6 <sup>th</sup> Avenue
Brass Rail Tavern	401 NE Emmett Street
Denny's #7268	1500 SW Wanamaker Road
Denny's #7269	3210 SW Topeka Boulevard
J&J's Gallery	917 N Kansas Avenue
Louie's Lounge & Laundromat	1501 SE 21 <sup>st</sup> Street #109
Starlite Skate	301 SE 45 <sup>th</sup> Street

**Business Name**

The 20s  
Topeka Performing Arts Center

**Address (continued)**

2910 SW Oakley Suite D  
214 SE 8<sup>th</sup> Street

Councilmember Coen moved to approve the consent agenda. The motion seconded by Councilmember Padilla carried unanimously. (9-0-0)

A PUBLIC HEARING concerning a plan of finance for the issuance by the City of Wichita, Kansas, (the “Issuer”) of one or more series of its health care facilities revenue bonds issues under authority of K.S.A. 12-1740 et seq., in an aggregate principal amount not to exceed \$36,000,000 (the “Bonds”).

RESOLUTION NO. 8987 approving the issuance by the City of Wichita, Kansas, of its Health Care Facilities Revenue Bonds for the purpose of financing and refinancing the acquisition, construction, improvement and equipping of an existing senior living facilities located in the City of Topeka, Kansas, was presented.

Brent Trout, City Manager, stated approval of the bonds was a standard procedure, authorizing the City of Wichita to issue bonds for financing and refinancing projects at the Presbyterian Manor facility in Topeka. He noted Rick Wright, Gilmore & Bell, P.C. was present to answer questions.

Mayor De La Isla opened the public hearing and asked if there was anyone present who would like to speak to the matter.

Upon no one appearing, Mayor De La Isla announced the public hearing was closed.

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

RESOLUTION NO. 8988 introduced by Councilmember Michael Lesser, in support of eliminating human trafficking, was presented.

Brent Trout, City Manager, reported the City of Topeka would join with other community counterparts in efforts to end human trafficking.

Councilmember Lesser stated approval would express the support of the Governing Body to eliminate human trafficking. He commended Councilmember Clear for her efforts in working as a community activist against human trafficking and other related issues.

Mayor De La Isla stated as a community the City stands by Reverend Barry Feaker in the efforts being made to end human trafficking locally and across the nation.

Reverend Barry Feaker, Topeka Rescue Mission, spoke in support of the resolution. He reported the City of Topeka and Shawnee County would be the first city and county in the United States to engage in a long-term plan to end human trafficking.

Councilmember Ortiz expressed her appreciation to all those involved and working to end human trafficking. She requested Reverend Feaker work in collaboration with the State of Kansas Department for Children and Families for greater access to useful resources.

Councilmember Padilla expressed his gratitude towards the efforts being made to eliminate human trafficking and the importance of organized efforts on a local and national level.

Councilmember Hiller expressed her appreciation to the Topeka Rescue Mission for what it stands for locally and its nation-wide Vision to eliminate human trafficking.

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

RESOLUTION introduced by City Manager Brent Trout, authorizing and adopting the 2019-2028 Capital Improvement Plan and the 2019-2021 Capital Improvement Budget and approving the project budgets attached was presented.

Brent Trout, City Manager, reported staff has answered many questions posed by the Governing Body and was available to answer any additional questions if needed. He stated staff recommends approval of the resolution as presented.

Councilmember Emerson expressed his appreciation for responding to questions; however, he still has additional questions regarding the CIP.

Councilmember Emerson moved to defer the resolution for two weeks. The motion was seconded by Councilmember Ortiz.

Raul Munoz expressed concern with the poor condition of the East 6<sup>th</sup> Street corridor, including poor street lighting, deteriorating sidewalks, curbs and pedestrian signage. He asked the Governing Body to consider contributing more funding for improvements to the east side of Topeka.

Councilmember Ortiz stated she concurs with Mr. Munoz and requested staff assess the area for needed improvements.

Joseph Ledbetter distributed a letter from Momentum 2022 requesting the funding for the Kansas Turnpike SE 29<sup>th</sup> Street Interchange project be moved forward in the CIP schedule to 2020.

The motion to defer the resolution for two weeks carried unanimously. (9-0-0)

RESOLUTION introduced by City Manager Brent Trout, declaring the necessity to repair, alter, reconstruct, enlarge or improve the City's water, water pollution, and/or stormwater utility system through improvement projects authorized by Resolution and providing Notice of Intention authorizing the issuance of revenue bonds in the manner required by K.S.A. 10-1201, et seq., was presented.

Brent Trout, City Manager, stated the resolution was a companion document to the CIP resolution; therefore, he would request the item be deferred for two weeks.

Councilmember Emerson moved to defer the resolution for two weeks. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

RESOLUTION NO. 8989 introduced by City Manager Brent Trout, establishing the City's 2019 budget priorities was presented.

Brent Trout, City Manager, reported staff has presented a resolution that reflects discussion held by the Governing Body.

Luis Estrada distributed a handout regarding the East 6<sup>th</sup> Street Corridor and concerns from citizens about the lack of lighting, street signs, sidewalks and the need for improvements to overall infrastructure.

Joseph Ledbetter suggested adding a priority that would focus on making the City's workforce more productive. He expressed the importance of supporting neighborhoods and Neighborhood Improvement Associations.

Councilmember Coen referenced language on line 53 of the resolution relating to "Strategic Investments toward Quality of Life." He questioned if the Joint Economic Development Organization (JEDO) Board would be responsible for quality of life investments for the community.

Councilmember Hiller stated the JEDO Board takes a stronger role in the issue and the City has more of a partnering role with community organizations.

Mayor De La Isla stated quality of life issues are the responsibility of all levels of government.

Councilmember Hiller spoke in support of straightforward topics for budget priorities and noted strategic planning discussions will begin soon which would include more detailed long-range priorities for the City.

Councilmember Hiller moved to amend the resolution on line 26 to delete "officers' personnel" and insert "officers and firefighters." The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

Councilmember Hiller moved to approve the resolution as amended. The motion seconded by Councilmember Coen carried unanimously. (9-0-0)

ORDINANCE NO. 20114 introduced by City Manager Brent Trout, adopting the 2015 International Building Code and local amendments, amending City of Topeka Code Section 2.40.010, 14.20.010, 14.20.030 and 14.20.060 and repealing original sections was presented.

Brent Trout, City Manager, reported staff has worked with Governing Body members to address various concerns. He stated staff recommends approval of the ordinance.

Councilmember Clear moved to adopt the ordinance. The motion was seconded by Councilmember Mays.

Councilmember Hiller thanked staff for their assistance throughout the process. She stated she believed there were outlying issues that were not addressed in the proposed changes. She reported she has been assured by staff there would be a review of the following:

- The roles and composition of various boards. Separation of duties between staff and boards.
- The Energy Efficiency Standards were deleted in its entirety. Staff would address the Standards in total with engagement from the Sustainability Board.
- If there was still a need for the Building Conservation Code as it relates to the 2015 International Building Code as adopted.

Councilmember Hiller distributed the following amendments:

1. Line 15 delete statement “by the mayor and confirmed by the council” and add “per Topeka Municipal Code 2.05.010”
2. Lines 600-603 delete the statement, “All fees owed by the applicant shall be paid in full prior to the issuance of any type of building permit.” and add “A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee has been paid.”

Councilmember Hiller moved to amend the ordinance on line 15 and lines 600-603 as distributed. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

The motion to adopt the ordinance as amended carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Hiller, Clear, Ortiz, Emerson, Padilla, Mays, Coen, Lesser and Mayor De La Isla -9. Absent: Jensen -1.

ORDINANCE NO. 20115 introduced by City Manager Brent Trout, adopting the 2015 International Fire Code and local amendments, amending City of Topeka Code Sections 14.40.010 through 14.40.110 and 14.40.120, repealing said original sections, and creating new Section 14.40.115 was presented.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Hiller, Clear, Ortiz, Emerson, Padilla, Mays, Coen, Lesser and Mayor De La Isla -9. Absent: Jensen -1.

ORDINANCE NO. 20116 introduced by City Manager Brent Trout, concerning adoption of the 2015 Life Safety Code, amending City of Topeka Code Section 14.45.010 and repealing said original section and repealing Section 14.45.020 in its entirety was presented.

Brent Trout, City Manager, thanked everyone involved in the discussions regarding the Building, Fire and Life Safety Codes and noted the continued conversations resulted in a positive outcome.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Coen carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Hiller, Clear, Ortiz, Emerson, Padilla, Mays, Coen, Lesser and Mayor De La Isla -9. Absent: Jensen -1.

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

Brenda Younger, City Clerk, gave a brief overview of the April 10, 2018 Governing Body agenda.

Brent Trout, City Manager, announced the City would hold a press conference on human trafficking efforts at 11:00 a.m. on April 5, 2018, at the Law Enforcement Center. He requested Governing Body members contact the City Manager's office if they would like to participate in the press conference.

Councilmember De La Isla expressed her appreciation to those who participated in the Military Relations Council Recognition Ceremony and thanked all those that have served the nation. She congratulated Fellowship Bible Church for the successful launch of the Hi-Crest Campus. She expressed her appreciation to those that attended the Mayor's Domestic and Sexual Violence Taskforce meeting on April 3, 2018. She commented on her recent interaction with female inmates at the Topeka Correctional Facility.

Councilmember Coen reported on the 2018 St. Jude Dream Home Giveaway and encouraged everyone to buy a raffle ticket. He noted if people would like more information about the giveaway and purchasing a raffle ticket to visit <https://www.stjude.org/give/dream-home/topeka.html>.

Councilmember Hiller expressed her condolences to the Linda Brown family and commented on the influence Ms. Brown had on the desegregation of schools in the United States. She distributed the Council District No. 1 Crime Summit schedule on April 7, 2018, at Topeka High School. She announced Tulip Time across the area would not begin until April 22, 2018, due to the cold weather.

Councilmember Ortiz commended everyone involved in various community Easter events. She asked if smoke alarms would be installed in the St. Jude Dream Home. She requested the potholes in the Municipal parking lot be repaired as soon as possible.



Councilmember Padilla announced the Topeka Police Department Citizen Academy would be experiencing the MILO Range on April 7, 2018. He thanked Raul Munoz and Luis Estrada for appearing and speaking on behalf of east Topeka.

Steve Mills, Annette Wallace and O'Shara Meesha appeared to speak under public comment.

Councilmember Coen moved to recess into executive session for a period of time not to exceed 30 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters regarding litigation involving the City, 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; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Financial and Administrative Services Director, Nickie Lee; Chief of Litigation, Shelly Starr; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Emerson 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.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 10 minutes to discuss confidential employment matters pertaining to nonelected personnel, as justified by K.S.A. 75-4319(b)(1). In order to aid the discussion, the following individuals should be present: Governing Body members; City Manager, Brent Trout; and Human Resources Director, Jacque Russell. The motion seconded by Councilmember Coen carried unanimously. 9-0-0

Following a 10 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 8:25p.m.

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Brenda Younger  
City Clerk