

Governing Body Minutes – April 17, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, April 17, 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, John Hansen, Shawnee County Sheriff's Department Chaplain, provided the invocation.

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

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20117 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of March 3, 2018, through March 30, 2018, and enumerating said expenditures therein was presented.

RESOLUTION NO. 8993 introduced by Councilmember Karen Hiller, approving a special event known as the 2018 Second Saturday Summer Concert Series was presented.

RESOLUTION NO. 8994 introduced by Councilmember Karen Hiller, approving a special event known as Sunshine Reggae Festival was presented.

RESOLUTION NO. 8995 introduced by Councilmember Karen Hiller, approving a special event known as Tap That After Party was presented.

RESOLUTION NO. 8996 introduced by Councilmember Karen Hiller, approving a special event known as the 2018 Rotary Freedom Festival was presented.

RESOLUTION NO. 8997 introduced by Councilmember Karen Hiller, granting The Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8998 introduced by Councilmember Karen Hiller, granting The Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8999 introduced by Councilmember Karen Hiller, granting The Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9000 introduced by Councilmember Sandra Clear, granting Sacred Heart-St. Joseph Parish an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

MINUTES of the regular meeting of April 10, 2018, was presented.

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

<u>Business Name</u>	<u>Address</u>
Anytime Fitness	1921 SW Gage Boulevard
Blue Moose Topeka	3030 SW Wanamaker Road
Flamingo Bar & Grill	2335 NW Clay Street
Gage Center Bowl	4200 SW Huntoon Street
IHOP 5318	1731 SW Wanamaker Road
Moonlight Adult Boutique	4732 SW Topeka Boulevard
McDonald's #317	3117 SW Topeka Boulevard
McDonald's #995	1100 S Kansas Avenue
McDonald's #5596	2001 N Topeka Boulevard
McDonald's #2018	1201 SW Gage Boulevard
McDonald's #5468	5525 SW 21 st Street
McDonald's #7244	2880 SE California Avenue
McDonald's #11387	1640 SW Wanamaker Road
McDonald's #17628	2933 SW Wanamaker Road
Sideways Bar & Grill	555 SW 39 th Street
Specks Bar & Grill	2105 SW Mission Avenue
The Break Room	911 S Kansas Avenue
The Car Wash	1814 SW 10 th Avenue
The Car Wash	720 SW Gage Boulevard

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

ORDINANCE NO. 20118 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 2705 NW Topeka Boulevard from “C-2” Commercial District to “C-3” Commercial District, was presented. (Z18/01)

Brent Trout, City Manager, reported the request for rezoning was approved by the Topeka Planning Commission on March 19, 2018, and the Topeka Planning Department recommends approval.

Mayor De La Isla asked members of the Governing Body to declare ex parte communications.

Ex parte communication was declared by Councilmember Lesser. He stated despite the communications received he was able to make a fair and objective decision on the application based on the evidence provided in the record.

Councilmember Clear moved to adopt the ordinance. The motion seconded by Councilmember Lesser carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -10.

ORDINANCE NO. 20119 introduced by City Manager Brent Trout, pertaining to an amendment to the text and map of the Topeka Comprehensive Plan for the Quinton Heights-Steele Neighborhood Plan was presented. (CPA17/01)

Brent Trout, City Manager, reported discussion was held on the neighborhood plan at the April 10, 2018, Governing Body meeting and staff recommends approval of the neighborhood plan.

James Prout, Quinton Heights-Steele Neighborhood Improvement Association President, and Jack Alexander spoke in support of the proposed Neighborhood Plan and encouraged the Governing Body to adopt the plan.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Padilla carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -10.

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 the resolution was deferred from the meeting of April 3, 2018. He stated staff has worked with Governing Body members to address additional questions and asked the Governing Body how they would like to proceed with consideration of the item.

Councilmember Emerson reported as a result of working with staff on the proposed CIP schedule they were able to realize a savings of approximately \$4 million by taking a different approach to the Oakland Backup Generator Project No. 291090.00; and a savings of approximately \$500,000 on the Fire Hydrant Phase 2 (6th Street) Project No. 301059.00 by conducting the services in-house. He stated due to the magnitude of the changes as well as additional changes that have been requested by other Governing Body members, staff has requested the resolution be deferred until the next Governing Body meeting.

Councilmember Emerson moved to defer the resolution until May 1, 2018. The motion was seconded by Councilmember Ortiz.

Councilmember Clear questioned why street improvement projects for NW Tyler, NW Lyman, NW Beverly and NW Paramore Streets were rescheduled to start in 2020 and 2023; and if any other projects were postponed because of new projects being added to the schedule. She referenced the ADA Assessment of Existing City Facilities Project scheduled for 2021 and asked for clarification of the project.

Doug Gerber, Deputy City Manager, stated the project includes assessing City facilities to ensure the City would be ADA compliant. He noted this would be an ongoing comprehensive review of all City facilities.

Councilmember Clear questioned the start date of the project (2021) and expressed concern with the City being fined for not being ADA compliant.

The motion to defer the resolution until May 1, 2018 carried unanimously. (10-0-0)

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, requested the resolution be deferred until May 1, 2018, as it serves as a companion document to the previous resolution concerning the 2019-2028 Capital Improvement Plan and the 2019-2021 Capital Improvement Budget.

Councilmember Coen moved to defer the resolution until May 1, 2018. The motion was seconded by Councilmember Clear.

Joseph Ledbetter spoke in support of the City paying cash for projects when possible and lowering the overall bonded indebtedness. He expressed the importance of assessing older water infrastructure in problem areas before lines break and cause damage to homeowners.

The motion to defer the resolution until May 1, 2018, carried unanimously. (10-0-0)

DISCUSSION on findings from the City's 2017 Neighborhood Health Update was presented.

Bill Fiander, Planning Director, reported the Planning Department created the original health map in 2000 with updates in 2003, 2007, 2011 and 2014, using the following indicators for the overall health classification of neighborhoods:

- Healthy – Optimal Conditions
- Out-Patient – Favorable Conditions
- At Risk – Emerging Negative Conditions
- Intensive Care – Seriously Distressed Conditions

He stated the City of Topeka has measured the health of its neighborhoods to determine priorities for planning and investment decisions, providing insight to measure progress which in turn can be used to improve neighborhood conditions. He reported the following:

- More areas have improved since 2014
- East Topeka Neighborhood Improvement Associations (NIA) are no longer considered Intensive Care Areas
- Post-recession effects have stabilized - positively effecting property values and incomes
- The City has enhanced anti-blight initiatives which will help overall ratings even as more properties are cited
- Intensive Care block groups have been cut in half and Out-Patient block groups have nearly doubled since 2000

Mayor De La Isla commended staff for the report and residents for being involved and improving the overall health of neighborhoods.

Councilmember Jensen commended staff for the report. He expressed concern with the status of the College Hill Neighborhood and the need to monitor neighborhoods carefully.

Councilmember Clear asked how much funding has been contributed to neighborhoods in Council District No. 2 over the past two to three years.

Councilmember Hiller questioned if now would be a good time for staff to re-assess the eligibility of Neighborhood Associations (NAs) and Neighborhood Improvement Associations (NIAs) and referenced improvements to overall housing stock. She encouraged staff to educate NAs and NIAs to better understand the process and provide input on the information.

Councilmember Coen expressed concern with a change in block group status for the neighborhood area located near SW 21st Street and SW Gage Boulevard and asked for clarification.

Councilmember Lesser thanked staff for the report and asked how poverty compared to property values influence the status of block groups.

Bill Fiander stated he would have to research the funding information for Council District No. 2 and report back to the Governing Body. He reported neighborhood status was based on income level not housing stock, with 51% being the number used as the threshold. He reported staff was planning to meet with neighborhood residents to help them understand the health status of their neighborhood.

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

Brent Trout, City Manager, gave a brief overview of the May 1, 2018, Preliminary Governing Body agenda. He announced Coffee on Your Corner on April 18, 2018, at Paradise Donuts located at 1620 SW 6th Street with discussion regarding the Topeka Bikeways Master Plan. He recognized Mary Feighny, Deputy City Attorney, for being awarded the 2018 Honorable E. Newton Vickers Professionalism Award from the Topeka Bar Association. He

also announced the Topeka Zoo would host an Earth Day Celebration on April 21, 2018, from 9:00 a.m. to 3:00 p.m.; and the application deadline for the Topeka Way to Work Program would be April 19, 2018. He encouraged people interested in participating in the program to visit www.topeka.org/twtw for more information.

Mayor De La Isla stated she would not be able to attend the Governing Body Strategic Planning Discussion on April 21, 2018, due to a previously scheduled Board of Regents Training Conference. She announced the State of the Community Address would be held on April 19, 2018. She reported she sent a letter to the Business Insider, a financial and business website, regarding the inaccurate crime statistics published about Topeka. She invited Business Insider representatives to visit and experience the good things that are happening in the community.

Councilmember Coen encouraged everyone to buy raffle tickets for the 2018 St. Jude Dream Home Giveaway. He announced the Topeka Gives event would be held on June 5, 2018, at Fairlawn Plaza.

Councilmember Lesser expressed concern with the incorrect information printed about the Topeka community by the Business Insider website. He commended the Topeka Capital Journal newspaper for printing an article that reflects the correct information regarding crime statistics in Topeka.

Councilmember Hiller announced National Walk @ Lunch Day sponsored by Blue Cross Blue Shield of Kansas on April 25, 2018, starting at 12:00 p.m. on the Capital grounds.

Councilmember Clear announced the Downtown Arch Dedication Ceremony on April 24, 2018, at 2:00 p.m. in honor of former Mayor Larry E. Wolgast; the new Reser's Foods Facility Ribbon Cutting Ceremony on April 24, 2018, at 1:00 p.m.; and the Boys and Girls Clubs of

Topeka Teen Center Basement Remodel at the Abbott Community Center Open House and Ribbon Cutting Ceremony on April 27, 2018, at 3:00 p.m.

Councilmember Ortiz announced a City of Topeka 2019 Budget Public Input Forum would be held on April 24, 2018, at the Law Enforcement Center, Classroom A, at 6:00 p.m. She thanked Mayor De La Isla for her hard work in the community. She encouraged everyone to participate in the Free Smoke Alarm Program provided by Topeka Fire Department.

Councilmember Emerson reported the Rolling Meadows Neighborhood boundaries are not correct as listed on the Next Door Neighborhood Mobile Application. He commended City Manager Trout for attending Neighborhood Improvement Association meetings and providing detailed information on the City to citizens.

Councilmember Padilla thanked City staff for their hard work on the Capital Improvement Plan and their patience in providing information to the Governing Body during the process.

Councilmember Jensen commended JUMP and Catholic Charities of Kansas for addressing predatory lending in the community.

Deborah Vance and Dick Kellerman appeared to speak under public comment.

Councilmember Clear moved to recess into executive session for a 20 minute time period for consultation with the City's legal counsel to discuss attorney-client privileged matters regarding potential litigation, 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; Topeka Police Chief Bill Cochran; Deputy City Attorney, Mary Feighny and City Attorney Lisa Robertson. The motion seconded by Councilmember Jensen 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 7:50 p.m.

Brenda Younger
City Clerk