

Governing Body Minutes – May 8, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, May 8, 2018. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Clear, Ortiz, Emerson, Padilla, Jensen, Mays and Lesser -7. Mayor Michelle De La Isla presided -1. Absent: Councilmembers Hiller and Coen -2.

AFTER THE MEETING was called to order, Pastor Richard Rounds, Abiding Love Church of God in Christ, provided the invocation.

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

Willard Steinkuhler and Richard Laird appeared to speak under public comment.

Mayor De La Isla announced Councilmember Coen would be late due to a previous family engagement.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9008 introduced by Councilmember Karen Hiller, approving a special event known as KU Kickoff Street Party was presented.

RESOLUTION NO. 9009 introduced by Councilmember Sandra Clear, approving a special event known as the 85th Annual Our Lady of Guadalupe Fiesta Mexicana was presented.

RESOLUTION NO. 9010 introduced by Councilmember Sandra Clear, granting Fiesta Mexicana an exception the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9011 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. 9012 introduced by City Manager Brent Trout, amending Resolution of Advisability and Authorization No. 8675 which established the Miller's Reserve Subdivision Improvement District to provide for street improvements (Improvement Project No. T-601048.00) was presented.

MINUTES of the regular meeting of May 1, 2018, was presented.

APPROVAL of an Open After Midnight License application for Uncle Bo's located at 420 SE 6th Avenue was presented.

APPROVAL of Cereal Malt Beverage License applications were presented for the following:

<u>Business Name</u>	<u>Address</u>
29 th Street Gas & Shop	1611 SE 29 th Street
Abraham SN	1107 SW 6 th Avenue
ALZ, L.L.C.	706 SW Fairlawn Road
Dillons #47	2815 SW 29 th Street
Dillons #54	800 NW 25 th Street
Dillons #67	2010 SE 29 th Street
Dillons #87	5311 SW 22 nd Place
Dillons #88	4015 SW 10 th Street
East Quick Stop	3100 SE 6 th Avenue
Gas & Shop	1900 N Topeka Boulevard
Good Trip	1320 SW 6 th Avenue
Herman's Beef & Sausage House	823 NW Gordon
Hy-Vee #1658	2951 SW Wanamaker Road
Hy-Vee Gas	6011 SW 29 th Street
Mike's Market	2620 NE Sardou Avenue
Valero	2044 NW Tyler Street

Councilmember Clear moved to approve the consent agenda. The motion seconded by Councilmember Padilla carried unanimously. (8-0-0)

ORDINANCE introduced by City Manager Brent Trout, creating Chapter 10.80 in Title 10 of the Topeka Municipal Code concerning Traffic and Pedestrian Safety was presented.

Brent Trout, City Manager, distributed a revised map of the arterial streets that would be affected by the ordinance.

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

Councilmember Lesser stated he supports the ordinance in theory. He reported that many constituents have contacted him about the issue as well as community stakeholders including the Topeka Fire Department, Topeka Police Department and Barry Feaker, Topeka Rescue Mission, would like to further discuss the issue before the Governing Body considers the ordinance. He suggested a special committee be created, made up of eight members consisting of Governing Body members, community leaders and representatives from the Topeka Fire and Police Departments to discuss and research the issue for a period not to exceed three months, with a final report being presented to the Governing Body by September 1, 2018.

Councilmember Ortiz spoke in opposition of creating a special committee and suggested referring the ordinance to the Policy and Finance Committee which would allow input from community stakeholders and staff.

Councilmember Clear questioned what issues need to be considered in committee and noted the Governing Body sets policy to be implemented by staff.

Councilmember Lesser stated he believes consideration should be given to the legal ramifications of the ordinance; a concrete enforcement plan needs to be in place; and more input needs to be gathered from the agencies that would be directly impacted.

Councilmember Jensen stated a special committee would provide a good opportunity to partner with community organizations to help solve the issue.

Councilmember Lesser made a substitute motion to refer the ordinance to a special committee made up of eight members consisting of Governing Body members, community leaders and representatives from the Topeka Fire and Police Departments, followed by discussion

and research for a time period not to exceed three months, and presenting a final report to the Governing Body by September 1, 2018. The motion was seconded by Councilmember Jensen.

Mayor De La Isla spoke in support of referring the ordinance to a special committee to provide an opportunity to research and take an overall look at what should be considered to solve this serious issue in the community.

Councilmember Padilla expressed concern with the safety of firefighters and pedestrians soliciting in medians. He stated discussions should be held to consider what others offer in regards to providing different perspectives and possible solutions. He spoke in support of referring the ordinance to a special committee.

Councilmember Emerson spoke in support of referring the ordinance to a council and/or special committee for further review.

The substitute motion to refer the ordinance to a special committee made up of eight members consisting of Governing Body members, community leaders and representatives from the Topeka Fire and Police Departments, followed by discussion and research for a time period not to exceed three months, and presenting a final report to the Governing Body by September 1, 2018, carried. Councilmembers Clear and Ortiz voted “no.” The Mayor does not vote. (5-2-0)

ORDINANCE introduced by City Manager Brent Trout, creating Article III of Chapter 9.45 of the Topeka Municipal Code concerning Camping was presented.

Councilmember Lesser moved to refer the ordinance to a special committee made up of eight members consisting of Governing Body members, community leaders and representatives from the Topeka Fire and Police Departments, followed by discussion and research for a time period not to exceed three months, and presenting a final report to the Governing Body by September 1, 2018. The motion was seconded by Councilmember Jensen.

Councilmember Clear spoke in opposition of referring the ordinance to a special committee as there are many local agencies that directly address the same issues outlined in the ordinance, including the Homeless Taskforce.

Councilmember Ortiz stated she concurs with Councilmember Clear; however, she suggested referring the ordinance to the Public Health and Safety Committee.

Councilmember Padilla spoke in support of referring the ordinance to a committee and expressed the importance of addressing the serious issue in Topeka.

Councilmember Lesser stated he believes this continues to be a complex issue that needs to be addressed and considered by experts in the community.

Councilmember Emerson made a friendly amendment to refer the ordinance to the Public Health and Safety Committee.

Councilmember Lesser accepted the friendly amendment. The second concurred.

The motion to refer the ordinance to the Public Health and Safety Committee with the intent of presenting a final report by September 1, 2018 carried. Councilmember Clear voted “no.” The Mayor does not vote. (6-1-0)

DISCUSSION of the proposed false fire alarm ordinance for commercial facilities was presented.

Brent Trout, City Manager, reported the ordinance was drafted in a similar manner as other cities and staff was recommending approval.

Craig Duke, Topeka Fire Chief, reported staff has been researching how to address the issue since 2015, and the proposed ordinance only relates to commercial facilities.

Michael Martin, Topeka Fire Marshal, provided a brief overview of the number of false alarms the Topeka Fire Department responds to on an annual basis. He stated the ordinance

would authorize the City to recoup costs incurred from responding to commercial facilities that have monitored systems that are repeatedly activated due to poor maintenance or inspection. He noted the ordinance would not apply to single-family residential homes.

Councilmember Jensen spoke in opposition of imposing a new fee to address the problem. He suggested staff address the problem through the permit process by pulling occupancy permits if systems are malfunctioning.

Councilmember Coen entered the room.

Michael Martin stated he would have to research if this was an option and report back to the Governing Body.

Councilmember Emerson expressed concern with the low fee rates being proposed and the lack of incentive for businesses to fix faulty systems.

Councilmember Lesser stated he concurs with Councilmember Emerson in regards to the proposed fee rates and would suggest the overall fee matrix be more progressive.

Councilmember Ortiz spoke in support of increasing the proposed fees.

Michael Martin stated he would provide different rate matrixes for the Governing Body to consider.

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

Brenda Younger, City Clerk, gave a brief overview of the May 15, 2018, Governing Body agenda.

Brent Trout, City Manager, stated he would forward a survey to the Governing Body regarding community relations with the Topeka Police Department so they could disseminate it

to their constituents. He noted the survey is located online at www.surveymonkey/r/6RLI9CQ and it would also be available in Spanish.

Mayor De La Isla thanked North Topeka West NIA for remaining engaged in the community and encouraged others to become involved in their community, Neighborhood Associations and Neighborhood Improvement Associations. She reported the Greater Topeka Partnership gave a presentation on Momentum 2022 matrixes. She referenced National Public Service Recognition week and thanked all those that serve. She also announced Washburn University graduation ceremonies would be held this weekend and congratulated all the graduates.

Councilmember Ortiz encouraged everyone to update their homes regarding fire safety. She expressed concern with losing the full passenger service at the Amtrak station and requested everyone contact their local State representative to support keeping the customer service representative for the station. She requested a resolution be drafted in support of retaining the full passenger service Amtrak station and place it on the May 15, 2018 Governing Body agenda for consideration.

Councilmember Jensen stated he has received many positive comments from people across the state regarding Topeka and its improved reputation. He announced the Country and Food Truck Festival would occur May 12, 2018, in downtown Topeka.

Councilmember Mays announced French Middle School students would host a Save the City Rally on May 15, 2018, from 3:15 p.m. to 4:00 p.m. to share their ideas on ways to improve Topeka and invited Governing Body members to attend.

Councilmember Coen commended Topeka Sharefest organizers and volunteers for their work in the community on May 5, 2018.

Joe Weir appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:48 p.m.

Brenda Younger
City Clerk