

Governing Body Minutes – June 19, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, June 19, 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 De La Isla presided -1.

AFTER THE MEETING was called to order, Reverend Doctor Ivan E. Greuter, West Side Baptist Church of Topeka, gave the invocation.

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

A PRESENTATION on the Topeka Police Department Citizen Advisory Council was given by Bill Cochran, Topeka Police Chief.

A PRESENTATION on the Affordable Housing Task Force Recommendation was given by Tawny Stottlemire, Community Action Inc., Teresa Baker, Housing and Credit Counseling, Inc.; Betty Allen, Shawnee County Landlord Association President; and Sasha Haehn, City of Topeka Neighborhood Relations Department Director.

Sasha Haehn and Betty Allen provided an overview of the following:

1. Authorize and invest in a comprehensive housing survey and need assessment.
2. Equip Affordable Housing Consumers to be successful
3. Develop new, affordable housing opportunities
4. Establish City ordinances and programs

Teresa Baker commented on the importance of training tenants and landlords; home buyers education; and expanding access to consumer credit counseling.

Janice Watkins, Topeka Habitat for Humanity, expressed the importance of volunteers and gathering good data to understand the issue.

In conclusion, Brent Trout, City Manager, reported the City was moving forward with plans to establish and help finance a housing trust fund; establish a land bank and change the culture of

home owners and tenants caring for their homes by passing a neglected empty building registration ordinance.

Mayor De La Isla expressed the importance of addressing affordable housing problems before other issues in the community could be addressed. She encouraged everyone to create partnerships and work together to make it a successful outcome.

Councilmember Hiller expressed her appreciation to the City Manager and Mayor for their work on the issue and stated she looks forward to the outcome of the efforts being made in the community.

BOARD APPOINTMENT recommending the appointment of Michaela Saunders to the Topeka Sustainability Advisory Board for a term ending June 20, 2020, was presented.

Councilmember Ortiz moved to approve the board appointment. The motion seconded by Councilmember Padilla carried unanimously. The Mayor does not vote. (9-0-0)

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20126 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of April 28, 2018, through June 1, 2018, and enumerating said expenditures therein was presented.

RESOLUTION NO. 9026 introduced by Councilmember Karen Hiller, granting Potwin Place Neighborhood Association an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented.

RESOLUTION NO. 9027 introduced by Councilmember Sandra Clear, granting Our Lady of Guadalupe 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 June 12, 2018, was presented.

APPROVAL of an Open After Midnight License application for Midwest Elks Lodge #1441 located at 1316 SE Madison Street, was presented.

Councilmember Emerson moved to approve the consent agenda. The motion seconded by Councilmember Padilla carried. (9-0-0) Councilmember Lesser was out of the room.

ORDINANCE introduced by City Manager Brent Trout, amending Topeka Municipal Code 8.60.100; adding a new section numbered Topeka Municipal Code 8.60.085; and creating a new Chapter 8.75 of the Topeka Municipal Code concerning Unsafe Structures was presented.

Councilmember Lesser entered the room.

Brent Trout, City Manager, reported staff has recommended approval of the ordinance which would amend the International Property Maintenance Code (IPMC) for unsafe structures and reduce publication notices.

Pat DeLapp spoke in opposition of amending the IPMC due to the language and encouraged the Governing Body to adopt the 2018 IPMC.

Councilmember Hiller distributed a handout outlining points of concern with the proposed IPMC changes. She requested more time to consider reviewing the language amendments.

Councilmember Hiller moved to refer the ordinance to the Public Health and Safety Committee. The motion was seconded by Councilmember Ortiz.

Councilmember Clear made a friendly amendment to allow staff time to answer questions and concerns before referring the ordinance to the Committee.

Mayor De La Isla stated she concurs with Councilmember Clear.

Brent Trout reported that Councilmember Hiller reached out to staff with her concerns prior to the Governing Body meeting.

Councilmember Jensen stated he understands it takes years to review and change codes; however, he questioned why the City was still following the 2012 IPMC.

Brent Trout stated generally only minor changes are usually made to property maintenance codes every three years. He reported it was determined by staff that when the 2018 IPMC was released staff would review it for consideration by the Governing Body. He spoke in support of deferring the ordinance to allow time for staff to review the questions and concerns of the Governing Body.

Councilmember Hiller asked Governing Body members to review the language in detail and referenced changes to the code in 2014 that were made specific to Topeka as well as 300 cities across the nation.

Councilmember Lesser asked the Legal Department to provide an opinion on the language amendments proposed by Councilmember Hiller.

Mary Feighny, Deputy City Attorney, stated she disagrees with Councilmember Hiller's request to amend the language and believes the proposed amendments as presented by staff are technical in nature.

Councilmember Ortiz would like the additional time to review the changes to ensure the language was clear and easy to understand.

Councilmember Jensen spoke in support of deferring the ordinance to allow time for review; however, he has no issues with the changes.

Councilmember Hiller moved to defer the ordinance to July 17, 2018. The motion seconded by Councilmember Ortiz carried unanimously. (10-0-0)

ORDINANCE introduced by City Manager Brent Trout, concerning International Property Maintenance Code local amendments regarding notice and procedural matters, amending City of

Topeka Code Sections 8.60.070, 8.60.080 and 8.60.110 and repealing original sections was presented.

Pat DeLapp expressed concern with the term “owner” of the vehicle and removing the authority of Administrative Court Judge. He noted this would not allow the issue to be extended and the violator would be charged immediately with no time allowed to comply.

Councilmember Jensen moved to defer the ordinance to July 17, 2018. The motion seconded by Councilmember Clear carried unanimously. (10-0-0)

DISCUSSION on the proposed ordinance concerning parking on non-paved surfaces was presented.

Brent Trout, City Manager, reported Councilmember Lesser requested to address the issue of clarifying language concerning the type of surface upon which a vehicle must be parked by including a definition of “paved surface” as well as the Topeka Police Department would be the only department authorized to issue citations for violations and remove the disability exemption.

Councilmember Lesser stated he has received numerous complaints since taking office regarding the issue and believes it affects the aesthetics of a community, and has a negative impact on the value of property and safety of the neighborhood.

Councilmember Jensen questioned why gravel was not being considered as an alternative to paving since paving was expensive for homeowners.

Councilmember Lesser stated the term “paving” was considered as a permanent area for parking.

Councilmember Padilla stated he understands the intent of the ordinance because there may be some individuals that try to circumvent the issue and throw gravel down to “comply” with no intent to maintain the gravel.

Brent Trout reported there are many instances where unpaved surfaces have grass growing through the area, and as a result, staff proposed language that would include paved surfaces to ensure appropriate upkeep of the area. He noted enforcement of the issue would be handled by the Topeka Police Department to ensure direct assignment.

Bill Cochran, Topeka Police Chief, stated many residents have gravel drives and this language would clarify the term “improved surface.”

Luther Ganieany, Police Legal Counsel, stated the depth requirement of the gravel was problematic and could be viewed as a property search violation.

Councilmember Clear stated the language should include a common sense factor in complying with the issue as pavement would not be a feasible alternative in Council District No. 2. She suggested language that would grandfather in gravel driveways clearly being used as driveways.

Councilmember Emerson stated he concurs with Councilmember Clear and believes the language to require a “paved” surface could have a devastating effect in Council District No. 4.

Luther Ganieany suggested avoiding a situation where depth of surface product was a requirement.

Councilmember Ortiz spoke in opposition of the language amendment because she believes it would create a hardship for many people.

Councilmember Jensen asked for a language amendment to allow gravel driveways and expressed concern with the 48 hour notification requirement.

Luther Ganieany stated a gravel driveway should be free of vegetation and have large enough dimensions to see the gravel while the car was parked on the surface.

Brent Trout stated staff would consider the language proposals compared to the intent of the ordinance and bring back an amended document to the Governing Body for consideration.

Councilmember Mays suggested including the definition of a “driveway” then make allowances from that point.

Councilmember Lesser clarified the intent of the proposed ordinance was to try to eliminate front yards from becoming storage areas for vehicles.

Councilmember Hiller suggested clarifying the language relating to parked vehicles on improved surfaces to include where the surface should be located and what type of surface material should be used. She expressed concern with being cost efficient in regards to serving notices and allowing Code Enforcement the authority to write citations and requested these issues be reviewed further.

Darrin Reed and Kayla Bitler spoke in support of the ordinance because of the negative effect the issue has on the aesthetics of the community.

DISCUSSION on the 2019 City of Topeka Operating Budget was presented.

Nick Hawkins, Budget and Performance Manager, reported the discussion would continue from the June 16, 2018 meeting. He provided an overview on the Topeka Police Department budget.

Councilmember Clear questioned how many vacant officer positions are in the Topeka Police Department and why the City pays \$200,000 to Topeka Public Schools for School Resource Officers.

Bill Cochran, Topeka Police Chief, reported the Topeka Police Department has 20 vacant officer positions; and the School Resource Officer Standing Unit was partially funded by Topeka Public Schools.

Mayor De La Isla stated these positions are crucial to building relationships in the community and providing intelligence to the police department.

Brent Trout stated it has been a priority of the City to keep the School Resource Officers in position.

Councilmember Clear suggested Topeka Public Schools pay 100% of their salaries.

Councilmember Ortiz requested a list of where the shortages are occurring and asked when the contract expires for the Court Service Officers. She expressed concern with the shortage of officers and hopes that as they move forward staff numbers would increase.

Bill Cochran stated the Court Services Officer positions would be eliminated effective December 31, 2018, and the Topeka Police Department would absorb those positions for court security.

Councilmember Jensen asked if there were incentives being offered to attract new recruits to the Topeka Police Department and test assistance in the form of webinars.

Bill Cochran reported the Topeka Police Department currently offers a \$5,000 signing bonus to all new recruits as well as once a recruit has completed a certification of training the certificates are recognized by Washburn University as an equivalent of up to 24 core credit hours.

Nick Hawkins provided an overview of the Public Works Department Budget.

Councilmember Jensen recognized the savings from installing LED bulbs in streetlights and commended staff for implementing the cost effective measure.

Jason Peek, Public Works Director, reported the savings would be approximately \$15,000 annually with that money being reallocated back into the Street Light Program through a partnership with Westar Energy.

Councilmember Clear asked if the Forestry Division has been restructured.

Jason Peek stated Forestry has instituted a Citywide Tree Inventory to add information about the condition and location of these trees with the main goal to maintain the urban tapestry.

Councilmember Hiller referenced a fleet motor pool and asked if it would be more cost effective to lease vehicles compared to owning and maintaining them.

Jason Peek stated funding was being utilized from the existing motor pool inventory and there are vehicles in a couple “pilot” locations to determine if it would be more cost effective.

Brent Trout stated the Utilities Department and Topeka Zoo budgets would be discussed at the June 20, 2018, Budget Workshop.

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

Brent Trout, City Manager, provided an overview of the July 3, 2018, Preliminary Agenda. He announced a 2019 City of Topeka Budget Workshop was scheduled on June 20, 2018, at 6:00 p.m. at the Law Enforcement Center; and Coffee on Your Corner would be held June 20, 2018, at Juli’s Bistro with a presentation on the City’s Neighborhood Health Map.

Mike Martin, Topeka Fire Marshall, provided an overview of 2018 Fireworks Regulations and Safety Tips.

Mayor De La Isla announced June 19, 2018, was recognized as Juneteenth which marks a celebration of freedom. She encouraged Governing Body members to be creative and courageous leaders in the community. She thanked YMCA of Northeast Kansas for honoring City Manager Brent Trout, Topeka Police Chief Bill Cochran and herself at the 30th Annual Leadership Luncheon.

Councilmember Hiller commended the Topeka Capital Journal newspaper for highlighting the downtown Topeka area in the June 17, 2018, edition. She noted the special section included good information as well as a report on the Shunga Trail Improvement Project.

Councilmember Ortiz thanked Mike Martin for providing firework safety tips and regulations. She recognized Mayor De La Isla for the recent article in the Topeka Magazine. She requested a copy of the presentation made before the Public Health and Safety Committee at the June 15, 2018, meeting regarding Topeka Municipal Code Section 9.43 "Camping on Public and Private Property" be distributed to all Governing Body members.

Councilmember Jensen commended the JEDO Board for approving the Broadband Initiative and moving forward to the next phase. He encouraged the Governing Body and citizens to forward comments or questions to him at bjensen@topeka.org.

Paul Hahn and Virginia Mendez appeared to speak under public comment.

Councilmember Jensen 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 related to contract negotiations, as justified by K.S.A. 75-4319(b)(3). In order to aid the discussion, the following individuals should be present: Governing Body members; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Police Chief, Bill Cochran; Fire Chief, Craig Duke; Financial and Administrative Services Director, Nickie Lee; Human Resources Director, Jacque Russell; Budget and Performance Manager, Nick Hawkins; Senior Assistant City Attorney, Catherine Walter; Assistant Budget Manager, Ted Clemons and City Attorney, Lisa Robertson. The motion seconded by Councilmember Emerson carried. Councilmembers Ortiz and Lesser did not vote. (8-0-0)

Following a 30 minute time period, the Governing Body reconvened into open session and Mayor De La Isla announced no action was taken.

Councilmember Ortiz moved to extend the meeting past 10:00 p.m. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

Councilmember Ortiz moved to recess into executive session for a period not to exceed 15 minutes to continue 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)(3). In order to aid the discussion, the following individuals should be present: Governing Body members; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Police Chief, Bill Cochran; Fire Chief, Craig Duke; Financial and Administrative Services Director, Nickie Lee; Human Resources Director, Jacque Russell; Budget and Performance Manager, Nick Hawkins; Senior Assistant City Attorney, Catherine Walter; Assistant Budget Manager, Ted Clemons; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Jensen 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 not to exceed 20 minutes to continue 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)(3). In order to aid the discussion, the following individuals should be present: Governing Body members; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Police Chief, Bill Cochran; Fire Chief, Craig Duke; Financial and Administrative Services Director, Nickie Lee; Human Resources Director, Jacque Russell; Budget and Performance Manager, Nick Hawkins; Senior

Assistant City Attorney, Catherine Walter; Assistant Budget Manager, Ted Clemons; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Lesser carried.

Councilmember Ortiz left the room. (9-0-0)

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 10:45 p.m.

Brenda Younger
City Clerk