

Governing Body Minutes – September 4, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, September 4, 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, Ortiz, Emerson, Padilla, Mays, Coen and Lesser -7. Deputy Mayor Jensen presided -1. Absent: Mayor De La Isla and Councilmember Clear -2.

AFTER THE MEETING was called to order, Councilmember Emerson gave the invocation.

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

A PRESENTATION on the Public Works Quarterly Report was presented by Jason Peek, Public Works Director.

A PRESENTATION on the Utilities Department Quarterly Report was presented by Braxton Copley, Utilities Division Director.

BOARD APPOINTMENT recommending the reappointment of Helen Crow to the Topeka Board of Zoning Appeals to fill an unexpired term ending December 2, 2021, was presented.

BOARD APPOINTMENT recommending the reappointment of Neil Dobler to the Metropolitan Topeka Airport Authority Board for an unexpired term ending December 2, 2021, was presented.

BOARD APPOINTMENT recommending the appointment of Casey Williams to the Topeka Sustainability Advisory Board for a term ending September 5, 2020, was presented.

Councilmember Emerson moved to approve the board appointments. The motion seconded by Councilmember Padilla carried unanimously. (8-0-0)

Councilmember Ortiz requested to add a resolution on behalf of Councilmember Clear approving the Classic Movie Nites in NOTO Special Event to the consent agenda.

Upon hearing no objections, Deputy Mayor Jensen announced the resolution would be added to the consent agenda as item 4F.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9047 introduced by Councilmember Karen Hiller, granting Topeka Community Cycle Project an exception to the provisions of the City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9048 introduced by Councilmember Karen Hiller, granting Downtown Topeka Foundation an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9049 introduced by Councilmember Sylvia Ortiz, granting El Shaddai Ministries 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 August 21, 2018, was presented.

APPROVAL of an Open After Midnight License application for Gage Center Bowl located at 4200 SW Huntoon Street was presented.

RESOLUTION NO. 9050 introduced by Councilmember Sandra Clear, approving a special event known as the Classic Movie Nites in NOTO and rescinding conflicting portions of Resolution No. 9031 was presented.

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

PUBLIC HEARING NOTICE

PUBLIC HEARING to consider the advisability of establishing a Community Improvement District for the Cyrus Hotel located at 912-924 S. Kansas Avenue.

ORDINANCE NO. 20137 introduced by City Manager Brent Trout, establishing a Community Improvement District (CID) for the Cyrus Hotel located at 912-924 S. Kansas Avenue levying a CID sales tax of two percent (2%) within the CID was presented.

Doug Gerber, Deputy City Manager, reported in September 2016 the Governing Body established a 1% CID for this same district in an agreement with AIM Strategies, L.L.C., and since that time, the district has been transferred to a new owner and has experienced changes in the budget which has prompted the 2% request for a period of 22 years commencing on January 1, 2019. He noted the Cyrus Hotel project fits within the parameters of the City's CID policy established by the Governing Body and would be an enhancement to downtown as well as the city. He also noted the City would not contribute any taxing funds to the project and assume no risk as the imposition of an incremental sales tax within the district, the proceeds of which would be used to reimburse the qualified developer cost. He stated the accompanying development agreement was similar to the previous development agreement (City of Topeka Contract No. 45394) with the exception of two areas (1) the definition of "Reimbursable Project Costs Cap" was revised to reflect the amount of \$5 million as opposed to \$4 million; and (2) improved reporting language concerning detail of expenses has been added.

Seth Wagoner, AIM Strategies, L.L.C., developer, thanked the Governing Body for considering the 2% CID and allowing the development to take place. He stated he looks forward to partnering with the City and the development of downtown.

Deputy Mayor Jensen opened the public hearing and asked if there was anyone present to speak to the matter.

Upon no one appearing, Deputy Mayor Jensen announced the public hearing was closed.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Coen carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser -8. Absent: Mayor De La Isla and Councilmember Clear -2.

RESOLUTION NO. 9051 introduced by City Manager Brent Trout, supporting the City of Topeka's application for funding from the Kansas Department of Transportation (KDOT) for a pedestrian bridge on 10th Street and sidewalk improvements to Topeka Boulevard from 29th to 37th Street was presented.

Bill Fiander, Planning Director, reported the City plans to submit an application to the Kansas Department of Transportation (KDOT) for the Transportation Alternatives (TA) Program funds afforded by the Federal Transportation Equity Act of the 21st Century. He stated the applications would advance the City's implementation of the Complete Streets Policy and the Topeka Pedestrian Master Plan as approved by the Governing Body and if approved, the City would provide 20% match for two grant applications. The applications are proposed for the following projects:

- A side path and pedestrian bridge on SW 10th Street, which would create a safe and complete multi-use corridor from SW Wanamaker to Gage Park.
- A complete pedestrian and bus amenities network on the SW Topeka Boulevard corridor between SW 29th and SW 37th Streets.

Councilmember Hiller commended City staff on a great overall transportation plan that has evolved over the past 10 years.

Councilmember Padilla moved to approve the resolution. The motion seconded by Councilmember Mays carried unanimously. (8-0-0)

ACTION to create a committee to consider the similar underlying issues associated with the camping ordinance and the traffic and pedestrian safety ordinance which will consist of five

governing body members: Deputy Mayor Jensen; Councilmembers Ortiz, Clear, Lesser and Padilla; as well as five members of the community to be appointed by Deputy Mayor Jensen and Councilmember Ortiz, was presented.

Deputy Mayor Jensen reported the newly created committee would address the issue of homelessness and the displacement of persons as well as poverty. He stated the Special Committee and Public Health and Safety Committee would continue to act upon each ordinance as needed and provide an update regarding each committee's progress on each ordinance every 90 days as required by Governing Body Rule 8.5(c) until work has been completed.

Councilmember Ortiz stated she agrees with the proposal and the consolidation of efforts to address the issue.

Councilmember Lesser moved to create a committee to consider the similar underlying issues associated with the camping ordinance and the traffic and pedestrian safety ordinance which will consist of five governing body members: Deputy Mayor Jensen; Councilmembers Ortiz, Clear, Lesser and Padilla; as well as five members of the community to be appointed by Deputy Mayor Jensen and Councilmember Ortiz. The motion seconded by Councilmember Padilla carried unanimously. (8-0-0)

ACTION regarding the Final Report due on September 1, 2018, for the proposed Traffic and Pedestrian Safety ordinance was presented. (*Deferred from the meeting of August 21, 2018.*)

Deputy Mayor Jensen, Special Committee Chair, stated there was nothing further to report on the ordinance language at this time. He stated the Committee would report back in 90 days as required by the Governing Body Rules and Procedures.

Andy Fry expressed concern with using relevant data relating to the traffic and pedestrian safety ordinance as it relates to panhandling.

ACTION regarding the Final Report due on September 1, 2018, for the proposed Camping ordinance was presented. (*Deferred from the meeting of August 21, 2018.*)

Councilmember Ortiz, Public Health and Safety Committee Chair, reported the Committee would need to meet again to gather additional information; consider designating camping areas, i.e. campgrounds through the inclusion of several organizations to help create a viable solution. She noted the Committee would report back in 90 days to the Governing Body.

Councilmember Padilla stated it was important to have different perspectives in solving the issues as there was no quick fix to the problem. He expressed his appreciation to all those involved in the process.

DISCUSSION of amendments to the International Property Maintenance Code (IPMC) was presented.

Brent Trout, City Manager, reported there have been discussions concerning the proposed amendments as well as several meetings with Councilmember Hiller to address her concerns and adjust the language accordingly.

Councilmember Hiller expressed her appreciation to City staff for working with her. She referenced the Property Maintenance Code ordinance and the items the Governing Body may need to consider in regards to service delivery issues and legalities including (1) additional language to include various delivery options for notices and orders (2) dates to cure and/or fix the problem as well as dates to file appeals and (3) notices based on date of service. She referenced the Unsafe Structures ordinance and noted it was a separate piece with clear procedures that had to follow State law; specifically relating to Section 108 (Unsafe Structures & Equipment) and Section 110 (Demolitions). She encouraged the Governing Body to review the current IPMC and compare the proposed changes to ensure clarity and comprehension.

Deputy Mayor Jensen questioned serving out-of-state landlords and how it relates to resident agent delivery as well as how to address volunteer trees and shrubs. He asked the City Manager to comment on the implementation of the Rapid Process Improvement (RPI).

Brent Trout stated he would report back to the Governing Body on the delivery process; discussion on how to address vegetation would be scheduled in the near future; and the Rapid Process Improvement will help analyze current processes and identify how those processes could be improved. He stated the IPMC amendments would be presented to the Governing Body for action in two weeks.

Councilmember Ortiz requested the information relating to the delivery process be provided to the Governing Body by the end of the week.

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

Brenda Younger, City Clerk gave a brief overview of the September 11, 2018, Governing Body agenda.

Brent Trout, City Manager, stated he would provide a summary to the Governing Body regarding the Bloomberg Harvard Initiative Training which provided very useful information.

Councilmember Mays congratulated the Topeka Zoo on the completion of Camp Cowabunga and encouraged people to visit the baby giraffes.

Theresa Wynne appeared to speak under public comment.

Councilmember Ortiz moved to recess into executive session for a period of time not to exceed 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;

City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Police Chief, Bill Cochran; Administrative and Financial Services Director, Nickie Lee; Human Resources Director, Jacque Russell; Senior Assistant City Attorney, Catherine Walter and City Attorney, Lisa Robertson.

The motion seconded by Councilmember Coen carried unanimously. (8-0-0)

Following a 20 minute time period, the Governing Body reconvened into open session and Deputy Mayor Jensen announced no action was taken.

Councilmember Ortiz moved to recess into executive session for a period of time 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)(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; Police Chief, Bill Cochran; Administrative and Financial Services Director, Nickie Lee; Human Resources Director, Jacque Russell; Senior Assistant City Attorney, Catherine Walter and City Attorney, Lisa Robertson. The motion seconded by Councilmember Emerson carried unanimously. (8-0-0)

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

Councilmember Coen left the room.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 10 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)(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; Police Chief, Bill Cochran; Administrative and Financial Services Director, Nickie Lee; Human Resources

Director, Jacque Russell; Senior Assistant City Attorney, Catherine Walter and City Attorney, Lisa Robertson. The motion seconded by Councilmember Lesser carried unanimously. (7-0-0)

Following a 10 minute time period, the Governing Body reconvened into open session and Deputy Mayor Jensen announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:25 p.m.

Brenda Younger
City Clerk