

## **Governing Body Minutes – September 11, 2018**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, September 11, 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, Parker Arnold, Highland Park High School Mentoring Program, provided the invocation.

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

A PRESENTATION on the Encore Gen2Gen Prize was presented by Monique Glaude, Division Director of Community Engagement.

BOARD APPOINTMENT recommending the appointment of Bill Naeger to the Board of Mechanical Examiners for a term ending September 12, 2020, was presented.

BOARD APPOINTMENT recommending the reappointment of Toni Beck to the Topeka Board of Zoning Appeals to fill an unexpired term ending November 2, 2021, was presented.

Councilmember Mays moved to approve the board appointments. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of September 4, 2018, was presented.

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

ORDINANCE NO. 20138 introduced by City Manager Brent Trout, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 304 and 308

SW Van Buren Street from “O&I-2” Office and Institutional District to “D-1” Downtown District was presented. (Z18/4)

Bill Fiander, Planning Director, reported the proposed zoning change would facilitate reuse of the former school building for the construction of 11 loft apartments and the convent building for potential future commercial use. He noted the historical character would remain intact for both of the buildings. He reported the Planning Commission recommended approval by a vote of 8-0-1 on August 20, 2018, and the Planning Department recommends approval.

Mayor De La Isla stated prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered to indicate that even in light of having engaged in this communication they are able to fairly, objectively and impartially consider the measure based only upon the evidence provided on the record which includes the Planning Commission minutes, the Staff Report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

Ex parte communication was declared by Councilmember Hiller.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Hiller 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. 20139 introduced by City Manager Brent Trout, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on properties located at or near the

southwest corner of the intersection of SW 6<sup>th</sup> Avenue and SW Topeka Boulevard from “D-1” Downtown District; “C-4” Commercial District; and “O&I-2” Office and Institutional District to “PUD” Planned Unit Development was presented. (PUD18/2)

Bill Fiander, Planning Director, reported the proposed PUD Master Plan provides for the renovation and reuse of the presently vacant Casson Building and construction of two new apartment buildings for a total of 52 new downtown residential units, all being served by 41 parking spaces, in two new parking lots with access by existing public alleys. He stated the proposal was consistent with the Land Use and Growth Management Plan 2040 and the Old Town Neighborhood Plan. He reported the Planning Commission recommended approval by a vote of 9-0-0 on August 20, 2018, and the Planning Department recommends approval.

Mayor De La Isla stated prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered to indicate that even in light of having engaged in this communication they are able to fairly, objectively and impartially consider the measure based only upon the evidence provided on the record which includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

Ex parte communication was declared by Councilmember Hiller.

Councilmember Jensen moved to adopt the ordinance. The motion seconded by Councilmember Hiller 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. 20140 introduced by City Manager Brent Trout, imposing a real estate lien, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for utility services where such payments to the City have not been made due to neglect, failure or refusal to pay was presented.

Brent Trout, City Manager, reported a revised ordinance has been distributed removing the 12 individuals that have recently paid their delinquent bills.

Braxton Copley, Utility Deputy Director, reported the customers identified in the ordinance are delinquent in payment for services provided by the City. He stated approval would authorize the City to institute a lien on the property of these customers in order to recover payment for services rendered. He noted individuals will have until October 1, 2018, before delinquent bills will be placed on the tax roll.

Councilmember Emerson asked if the City collects penalties or interest on delinquent bills.

Braxton Copley reported that the City does not charge penalties or interest on delinquent bills; however, disconnect and/or reconnect fees are assessed when applicable.

Councilmember Ortiz expressed concern with those individuals that appear on the list year after year. She encouraged Governing Body members to assist staff in collecting fees for delinquent bills by contacting individuals on the list that they may know.

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

APPROVAL of a three-year labor agreement between the City of Topeka and the Fraternal Order of Police Lodge No. 3 was presented. (*Contract No. 47136*)

Mayor De La Isla announced there was a need for an executive session prior to taking action on the labor agreement. She stated when the open meeting resumes the Governing Body would take action on the labor agreement.

Councilmember Jensen 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 KSA 75-4319(b)(2) . In order to aid the discussion, the following individuals should present: Governing Body members, City Manager Brent Trout, Deputy City Manager Doug Gerber, Topeka Police Chief Bill Cochran, Administrative and Financial Services Director Nickie Lee, Human Resources Director Jacque Russell, Assistant City Attorney Catherine Walter and City Attorney Lisa Robertson. The motion seconded by Councilmember Coen carried unanimously (10-0-0)

After a 20-minute time period the meeting reconvened into open session and Mayor De La Isla announced no action had been taken.

Councilmember Jensen 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 KSA 75-4319(b)(2) . In order to aid the discussion, the following individuals should present: Governing Body members, City Manager Brent Trout, Deputy City Manager Doug Gerber, Topeka Police Chief Bill Cochran, Administrative and Financial Services Director Nickie Lee, Human Resources Director Jacque Russell, Assistant City Attorney Catherine Walter and City Attorney Lisa Robertson. The motion seconded by Councilmember Coen carried unanimously (10-0-0)

After a 15-minute time period the meeting reconvened into open session and Mayor De La Isla announced no action had been taken.

Councilmember Padilla 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 KSA 75-4319(b)(2) . In order to aid the discussion, the following individuals should present: Governing Body members, City Manager Brent Trout, Deputy City Manager Doug Gerber, Topeka Police Chief Bill Cochran, Administrative and Financial Services Director Nickie Lee, Human Resources Director Jacque Russell, Assistant City Attorney Catherine Walter and City Attorney Lisa Robertson. The motion seconded by Councilmember Jensen carried unanimously (10-0-0)

After a 10-minute time period the meeting reconvened into open session and Mayor De La Isla announced no action had been taken.

Councilmember Hiller commented on the robust nature of the contract and the importance of monitoring the budget closely over the next three years.

Councilmember Padilla moved to approve the labor agreement. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

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

Brenda Younger, City Clerk gave a brief overview of the September 18, 2018, Governing Body agenda.

Brent Trout, City Manager, commended the Topeka Fire Department for assisting Zoo staff members in the care of Sunda the elephant. He announced the City of Topeka Municipal Court would host a "Clean Slate Day" on September 21, 2018.

Mayor De La Isla thanked everyone for their thoughts and prayers during her hospital stay as well as the nurses and doctors who cared for her at Stormont Vail Hospital. She extended her thoughts and prayers to the residents of North Carolina in regards to the impending hurricane.

Councilmember Padilla announced the Tacos and Tequila event at the Topeka Performing Arts Center on September 15, 2018. He asked everyone to take time to remember the lives lost on September 11, 2001. He reminded citizens to register to vote and participate in the General Election on November 6, 2018.

Councilmember Jensen stated he would like to extend his thoughts and prayers to everyone that will be affected by the impending hurricane on the east coast.

Councilmember Coen reported he continues to receive positive comments regarding street improvements around the city and encouraged staff to keep up the good work. He invited everyone to the grand opening of the new McDonald's Restaurant on SW 21st Street and SW Belle on September 13, 2018, at 5:00 p.m.

Councilmember Hiller reported the Tennessee Town Neighborhood Improvement Association won the Stuff the Bus Contest during the National Night Out Event in August. She noted she has received many good reports on the City of Topeka Neighborhood University conducted on September 8, 2018.

Councilmember Clear encouraged everyone to purchase ducks for Sertoma's Great Topeka Duck Race on September 15, 2018.

Councilmember Ortiz requested a flyer outlining the details of Clean Slate Day be sent to the Governing Body. She announced October was Firefighter Awareness Month. She presented Mayor De La Isla with a Wal-Mart gift card from the Governing Body to support Project Puerto Rico.

Kurt Kuta appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:49 p.m.

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Brenda Younger  
City Clerk