

Governing Body Minutes – October 9, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, October 9, 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, Pastor Raymond Berry, Gethsemane Church of God in Christ, provided the invocation.

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

A PRESENTATION of Shawnee County Health Rankings was given by Linda Ochs, Shawnee County Health Department Director and Dr. Gianfranco Pezzino, Shawnee County Health Agency Officer.

A PRESENTATION of the City of Topeka “Fix Your Streets” webpage was given by Jason Peek, Public Works Director.

THE CONSENT AGENDA was presented as follows:

DENIAL of a Tort Claim Appeal submitted by Marsha Chaney in the amount of \$1,626.72 for alleged damages to a vehicle from hitting a pothole was presented.

MINUTES of the regular meeting of October 2, 2018, was presented.

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

APPROVAL of funding recommendations by the Alcohol and Drug Abuse Advisory Council in the amount of \$570,000 for the 2019 Special Alcohol Fund was presented.

Brent Trout, City Manager, reported the funding allocations were discussed at the October 2, 2018, Governing Body meeting and staff recommends approval as presented.

Councilmember Jensen moved to approve the 2019 Special Alcohol Grant funding in the amount of \$570,000 as recommended. The motion was seconded by Councilmember Emerson.

Councilmember Clear asked if the programs have helped reduce drug and alcohol abuse in Shawnee County.

Max Wilson, Alcohol and Drug Abuse Advisory Council, reported 30-day alcohol use was slightly down, lifetime alcohol use remains almost the same; marijuana use has increased; and opioid use was down compared to other large cities in Kansas.

The motion to approve the 2019 Special Alcohol Grant funding in the amount of \$570,000 as recommended carried unanimously. (10-0-0)

RESOLUTION NO. 9055 introduced by City Manager Brent Trout, establishing a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act K.S.A. 12-17, 114 et seq., was presented.

Brent Trout, City Manager, reported approval would set the public hearing date of October 23, 2018, to consider renewal of the City's Neighborhood Revitalization Plan (NRP) for years 2019-2021.

Bill Fiander, Planning Department Director, reported staff has met with nine different taxing entities during the months of June and July and the conversations went well. He stated they received a lot of support for the increased incentives of the infill housing element of the plan as well as recommendations to make sure they try to communicate and contact residents and businesses located in the new areas of the plan. He noted the Seaman School District Board questioned the need for the plan in their district. He reported no changes to the plan have been made since it was presented to the Governing Body in May and staff recommends approval as presented.

Councilmember Jensen moved to approve the resolution. The motion seconded by Councilmember Clear carried unanimously. (10-0-0)

RESOLUTION NO. 9056 introduced by City Manager Brent Trout, authorizing initiation of condemnation proceedings to acquire fee title and a permanent easement for construction of the Solider Creek Booster Pump Station Project No. T-281091.00 was presented.

Braxton Copley, Deputy Utilities Director, reported the proposed location was previously used as a pump station site and the necessary water service line to accommodate a pump station still remains. He stated the property was appraised for \$10,600 which was refused by the property owner as well as a counter offer of \$20,000; therefore, staff requests approval of initiation of condemnation proceedings. He noted approval would authorize the Engineering Department to determine which properties are necessary to acquire to move forward with the project.

Councilmember Jensen asked if there was another location that could be used for the pump station site.

Councilmember Mays asked if the pump station could be built on the opposite side of Meriden Road allowing staff to utilize the water lines already in place.

Councilmember Lesser asked if the original property agreement included a reversionary clause that would permit the property to revert back to the City if necessary.

Braxton Copley reported another location could be used; however, the proposed property already has the waterline needed to service the station; the other side of the road would be located within 500 feet of the Soldier Creek Drainage District which would require approval from the Corp of Engineers making the process more difficult and increase project costs; and there was no reversionary clause in the original property agreement.

Councilmember Emerson moved to approve the resolution. The motion seconded by Councilmember Clear carried. Councilmember Jensen voted “no.” (9-1-0)

DISCUSSION of proposed amendments to the Topeka Zoning Regulations, Title 18 of the Municipal Code regarding changes to non-residential design standards and landscaping and screening standards for new non-residential construction was presented.

Bill Fiander, Planning Director, reported the proposed amendments to the Topeka Zoning Regulations comprise of a Visual Code Update encouraged by Momentum 2022, the Land Use and Growth Management Plan 2040 and the Visual Appeal Survey.

Dan Warner, Planning Department, provided an overview of the changes included in the updated building design and landscaping standards for new non-residential construction organized by building type as well as alternate compliance options if a project could not meet the design standards.

Councilmember Emerson thanked staff for a thorough process and allowing for subjectivity in the building design standards.

Councilmember Jensen thanked staff for creating clear and decisive guidelines and questioned when minimal standards would be created for residential properties.

Bill Fiander stated city-wide minimal standards for residential properties are not being discussed at this time; however, design standards are addressed in neighborhood plans. He noted commercial standards align with major streets and frontages.

Glenda DuBoise, Greater Topeka Partnership, spoke in support of the changes and stated improved design standards would positively contribute to overall economic development.

Councilmember Hiller referenced the input received from local architects, builders and developers. She questioned if any of the comments were related to property code issues.

Bill Fiander reported City staff focused on presenting new construction design standards not property maintenance issues or blighted neighborhoods; therefore, the majority of the feedback received related to clarifying the process.

Councilmember Ortiz referenced overgrown vegetation along SE 6th and SE 10th Streets, main corridors to the city. She stated she believes property code issues should be considered along with new construction design standards in the future.

UPDATE on the 2019 Neighborhood Empowerment Grants was presented.

Brent Trout, City Manager, reported historically the Empowerment Grant recommendations and SORT Target Area selection was presented to the Governing Body for approval; however, following review of the processes it was determined the Governing Body was not required to approve the items. He stated for the purposes of transparency and because the funding allocations have been approved by the Governing Body through the 2019 City of Topeka Operating Budget process, each item will be presented to the Governing Body as update instead of a resolution.

Sasha Haehn, Director of Neighborhood Relations, reported \$137,890 of Community Development Block Grants (CDBG) funds in 2019 will be allocated for projects in the following designated Neighborhood Improvement Association neighborhoods:

- \$42,350 Highland Crest sidewalk installation and replacement
- \$2,600 Historic North Topeka East FIXIT Bike Support station
- \$50,000 North Topeka West NW Taylor Street curb and gutter project

Councilmember Clear asked if all funds were expended for projects.

Sasha Haehn reported any leftover funding could be reserved as a one-time neighborhood support fund or for emergency home repair projects; however, all projects have to follow CDBG funding guidelines.

Councilmember Hiller referenced the North Topeka West project exceeding the funding threshold and questioned if the project would need to be scaled back. She spoke in support of the Governing Body approving the Neighborhood Empowerment Grants in the future to allow them to remain informed on the projects being selected.

Sasha Haehn reported the additional funding needed to entirely complete the North Topeka West project was generated by the Department of Neighborhood Relations in partnership with the Public Works Department.

Councilmember Ortiz stated she would prefer to continue to vote on the recommendations so the Governing Body remains informed on which NIAs receive funding. She noted the Governing Body and staff should continue to encourage people to invest in their community.

Councilmember Lesser spoke in support of continuing to vote on the recommendations to ensure processes are followed. He referenced the \$50,000 funding threshold which was fundamentally exceeded through the use of Public Works funds to complete the North Topeka West project.

UPDATE on the 2019-2021 Stages of Resource Target Area for future federal and city funding was presented.

Sasha Haehn, Director of Neighborhood Relations, reported following a review of the processes related to the Stages Of Resource Targeting (SORT) Program, it was agreed that in order to better align the program with the Capital Improvement Plan and Budget process, it was necessary to transition from the selection of two neighborhoods every other year to the selection of one neighborhood each year. She stated the new process was shared with the NIAs and was implemented during the 2019 application process. She reported the Citizen Advisory Council (CAC) selected Central Park NIA for recommendation to the Governing Body as a target area

neighborhood on September 5, 2018, and the Planning Department would work with the NIA in 2019 to develop and/or update their neighborhood plan, identify their primary and secondary target areas and identify potential infrastructure projects. She noted the CIP and housing rehabilitation projects would be implemented from 2020-2021, contingent upon funding approval.

Councilmember Ortiz expressed the importance of having NIA plans in place for all neighborhoods.

Councilmember Hiller requested the same information presented for the Empowerment Grants be presented for the SORT program. She stated she needs full disclosure to make informed decisions and would prefer to continue to vote on the approval of the SORT area. She spoke in support of the SORT program; however, she encouraged staff to allow NIAs to update their plans first in order to target ideas with actions of the desired neighborhood plan.

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

Brent Trout, City Manager, provided an overview of the October 23, 2018, Governing Body agenda. He announced the City of Topeka would host a Historic Wood Window Restoration Workshop presented by Bob Yapp on October 8-10, 2018, at St. Joseph's Parochial School located at 302 S. Van Buren Street; Neighborhood Relations Citizen Advisory Council would host the first Neighborhood Celebration on October 27, 2018, from 11:00 a.m. to 6:00 p.m. at Cushionberry Park; the City of Topeka would host the first Topeka Landlord Expo on October 27, 2018, from 9:00 a.m. to 3:00 p.m. at the Ramada Hotel and Convention Center; and the SW 21st Street and S. Kansas Avenue intersection street improvement project has been completed ahead of schedule. He encouraged everyone to participate in the Neglected Building Registration

survey on the City's website at www.topeka.org to help combat blight and support a clean and healthy community.

Mayor De La Isla thanked everyone involved in the League of Kansas Municipalities Annual Conference October 6-8, 2018. She also thanked Councilmember Ortiz for hosting the movie "Coco" at Santa Fe Park on October 5 and 6, 2018; and Blue Cross Blue Shield for joining the Domestic Violence Task Force and partnering with private organizations to identify support for those in need.

Councilmember Padilla commended the Topeka Police Department for being recognized by the International Association of Chiefs of Police for their work with the U.S. Department of Justice in their Strengthening Police and Community Partnerships Program. He announced Topeka Police Sergeant Matt Cobb was a keynote speaker at the International Association of Chiefs of Police annual conference showcasing Topeka Police Department's hiring and recruiting efforts.

Councilmember Jensen stated he believes the League of Kansas Municipalities Annual Conference was very informative.

Councilmember Hiller thanked the Topeka Police Department for their assistance during the visit by President Donald Trump. She noted the League of Kansas Municipalities Annual Conference was a great educational event. She thanked the Street and Utilities Departments for solving the runoff issues at the corners of SW 4th and 5th Streets along SW Clay and Fillmore. She reported U.S. Congress has approved funding for the Southwest Chief Amtrak for another year at the same funding level as 2018, and noted Governing Body members would be attending the Oklahoma-Kansas Rail Summit on October 12, 2018.

Councilmember Clear announced motivational speaker Nathan Harmon would be speaking at area schools on November 15, 2018.

Councilmember Ortiz thanked the Topeka Police Department for their assistance during the visit by President Donald Trump. She thanked Mayor De La Isla and Councilmember Hiller for attending the showing of Coco the movie. She announced October was Fire Prevention Month and asked the Fire Chief to comment with information on events and programs offered during October.

Craig Duke, Topeka Fire Chief, announced the Topeka Fire Department would host an Open House at Topeka Fire Station No. 3 on October 13, 2018, at noon followed by a memorial service. He reported the theme for October 2018 Fire Prevention Month was "Look, Listen and Learn".

Councilmember Emerson commended Jason Peek, Public Works Director, for implementing a new street repair program for the City of Topeka as promised.

Bryan Brewer appeared to speak under public comment.

Councilmember Jensen moved to recess into executive session for a period of time not to exceed 15 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: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Administrative and Financial Services Director, Nickie Lee; Human Resources Director, Jacque Russell; Assistant Budget Manager, Ted Clemons; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Coen 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.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:35 p.m.

Brenda Younger
City Clerk