

Governing Body Minutes – December 18, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, December 18, 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, Dale Greer, Town and Country Christian Church, provided the invocation.

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

A PRESENTATION on the Shawnee County and City of Topeka Pilot Project using Judicial Tax Foreclosures to address blight, promote neighborhood revitalization and encourage new construction, was presented by Megan Barrett, Shawnee County Counselor's Office.

A PRESENTATION on the implementation of the City of Topeka Rapid Process Improvement (RPI) was presented by Brent Trout, City Manager; Nick Hawkins, Interim Administrative and Financial Services Director; and Leigha Boling, Performance Analyst.

BOARD APPOINTMENT recommending the appointment of Nelda Henning to the Board of Building and Fire appeals for a term ending January 1, 2021, was presented.

BOARD APPOINTMENT recommending the reappointment of Keith Finney to the Board of Building and Fire Appeals for a term ending January 1, 2021, was presented.

BOARD APPOINTMENT recommending the reappointment of Shawn Smith to the City of Topeka Board of Electrical Appeals for a term ending January 1, 2021, was presented.

BOARD APPOINTMENT recommending the appointment of Angela Broxterman to the Downtown Business Improvement District Advisory Board for a term ending December 18, 2020, was presented.

Councilmember Jensen moved to approve the board appointments. The motion seconded by Councilmember Clear carried. Councilmember Lesser left the room. Mayor does not vote.

(8-0-0)

Councilmember Lesser entered the room.

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20163 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period November 3, 2018, through November 30, 2018, and enumerating said expenditures therein was presented.

MINUTES of the regular meeting of December 11, 2018, was presented.

APPROVAL of a Cereal Malt Beverage License application for Sasnak located at 1834 NW Topeka Boulevard was presented.

APPROVAL of the following Dance Hall License applications was presented:

<u>Business Name</u>	<u>Address</u>
Gayle's	600 NW Paramore
Sasnak	1834 NW Topeka Boulevard

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

APPROVAL of the 2020 Social Services grant funding priorities and process calendar was presented.

Councilmember Clear, Economic and Community Development Committee Chair, gave the Committee Report. She stated the Committee recommends approval of the recommendations as presented including a recommendation to approve the calendar with a note for the 2019 ECD Committee members to review the two agencies which are grandfathered in 2019. She reported a motion to remove emergency aid and preventative counseling percentages from the priorities

sheet was made and a final recommendation was made by the Committee to request a total amount of \$440,000 to be provided in 2020.

Councilmember Clear moved to approve the Committee Report as recommended. The motion seconded by Councilmember Ortiz carried unanimously. (10-0-0)

OVERVIEW of City of Topeka Snow and Ice Operations and discussion on future expectations for level of service was presented.

Jason Peek, Public Works Director, provided an overview of the City's snow and ice operations and stated the current operations prioritize response to Emergency and Priority Routes. He asked the Governing Body to provide feedback regarding changes to level of service expectations and based on the feedback, staff would prepare information on additional cost and delivery methods for consideration. He distributed a Snow Ice Operations Level of Service Survey to the Governing Body.

Councilmember Jensen suggested distributing the survey to the public and attaching the cost of each item listed in the survey.

Councilmember Ortiz stated the most important aspect of any plan would be to educate the citizens so they understand the process. She noted the City continues to get better at the deicing process. She requested the City prioritize streets specifically those used for school bus routes as well as establish a hotline number citizens can use to obtain road conditions.

Councilmember Emerson stated he has provided residential and commercial snow removal for many years and noted every weather event was different. He commended City staff for bringing the discussion forward and asking for feedback from the Governing Body.

Councilmember Hiller thanked City staff for the discussion. She stated she concurs with Councilmember Ortiz and expressed the importance of educating citizens so they understand the

entire process including how difficult it can be to clear residential streets.

Councilmember Clear stated she believes it would be helpful to include a generic recording to educate citizens on the process when they call the hotline to inquire on road conditions.

Councilmember Mays encouraged the City to make a joint effort in coordinating with the school districts a priority to ensure roads will be clear and safe to travel. He questioned if the City could partner with other governmental agencies to help with snow and ice removal services including work to improve the culture of collaboration between the City and County.

Councilmember Lesser stated there was a long history of snow and ice removal expectations; however, he would implore staff to establish a plan to ensure snow routes are clear and can be safely traveled.

Brent Trout, City Manager, thanked the Governing Body for their feedback. He stated staff would continue to work to establish a plan based on the feedback while considering operational costs and options.

DISCUSSION regarding legislative priorities identified by the Governing Body to be addressed or monitored during the 2019 Legislative Session was presented.

Whitney Damron, City of Topeka Lobbyist, provided an overview of potential issues that are likely to be considered during the 2019 Legislative Session scheduled to begin on January 14, 2019. He reported the following was presented to the Shawnee County Delegation on December 12, 2018:

- A summary of legislative priorities for the City of Topeka to include (1) Community Improvement District; Proposal/Developer Inquiry (2) Transportation and (3) Abandoned Housing.
- The 2019 Action Agenda for the League of Kansas Municipalities and the 2019 Legislative Policy Statement for the Kansas Association of Counties to include (1) Tax Lid Repeal/Amendments (2) Internet Sales Tax and (3) Alternative Property Tax Valuation (Dark Stores)

Councilmember Jensen asked if there would be any attempt to raise taxes.

Councilmember Ortiz questioned if there would be a decrease in food sales tax.

Councilmember Hiller spoke in support of the effort for the 2019 Legislative Session to repeal the tax lid; withdraw the pursuit of the Abandoned Housing Bill; explore assessment of Business Improvement District service fees on government-occupied and residential-occupied properties; and electric scooters. She expressed concern with appraisals and evaluations of commercial properties; residency requirements and the need to allow municipalities to charge a local income tax to non-residents.

Whitney Damron commented on the property tax lid and how it affects transportation infrastructure funds. He noted a number of people have suggested options to the transportation taskforce; however, the tax lid restricts cities and counties from doing certain things that are needed for infrastructure since the State offers less funding in this area. He stated the possibility of some kind of exemption on transportation infrastructure could occur which would take the issue out from under the tax lid and help cities and counties with local matches.

Councilmember Mays asked the status on the Docking State Office Building located at 915 SW Harrison.

Whitney Damron reported the State has no money to address building compliance issues; however, it may be appropriate to engage with Governor Kelly on what the plans are for the building and how the City of Topeka should be involved.

DISCUSSION on the proposed revisions to Governing Body Rules and Procedures was presented.

Brent Trout, City Manager, stated discussion will continue from the December 11, 2018 Governing Body meeting.

Lisa Robertson, City Attorney, provided an overview of the following items based on the discussion conducted at the December 11, 2018 Governing Body Meeting:

- Section 5.1(a) “Preparation and Circulation”
- Section 5.3 “Agenda Contents”
- Section 5.5(a)(1) and (2) “Placement on Agenda; Time Limitation (Presentations)”
- Section 5.5(b)(2) “Sign-Up; Time Limitation (Public Comment)”
- Section 5.5(b)(4) “Sign-Up; Time Limitation (Public Comment)”

Councilmember Ortiz spoke in opposition of placing a one (1) hour time limit on public comment at the beginning of the meeting; expressed the importance of educating the public on the “Sign-Up” process; spoke in support of placing public comment before non-action items on the agenda; and spoke in support of the four (4) minute time limit on public comment and the ability to extend time if needed.

Councilmember Clear stated she would not support a time limit being placed on public comment at the beginning of the meeting because it was important for all people to get the opportunity to speak.

Councilmember Jensen stated he believes a one (1) hour limit will be sufficient and allow enough time for all persons wanting to speak to do so.

Councilmember Hiller suggested a provision be included that would allow people the option to request to speak at the beginning of the meeting if necessary.

Councilmember Mays stated he believes they should attempt to make a change and see how it works. He requested to place Presentations after Appointments on the agenda.

Councilmember Hiller suggested implementing a 30-minute time limit for public comment at the beginning of the meeting and presentations remain fluid in regards to a time limit.

Councilmember Lesser recommended the Public Comment portion remain the same as currently outlined in the Governing Body Rules and Procedures.

Councilmember Ortiz spoke in opposition of an eight (8) minute time limit for presentations.

Discussion continued on the following Rule:

- Section 5.5(d) “General Public Comment”

Councilmember Ortiz spoke in support of a four (4) minute time limit on public comment with the option to extend if needed.

Councilmember Clear stated she concurs with Councilmember Ortiz.

Discussion continued on the following Rules:

- Section 5.6 “Procedure for Addressing the Governing Body”
- Section 5.7 “Rules of Decorum”
- Section 5.8 “Communication with the Governing Body”

Councilmember Hiller referenced Rule 6.1 and requested a reference to the “Mayor” be added.

Discussion continued on the following Rules:

- Section 6.3 “Motions”
- Section 9 “CITIZEN INPUT”
- Section 9.2 “Amendment of These Rules”

Councilmember Hiller distributed a handout regarding Rule 9.2 and stated she was not sure there was a need to review the Governing Body Rules and Procedures annually. She suggested the following language amendment:

- **“9.2 Amendment to These Rules:** These rules shall be reviewed on a periodic basis. Review may be initiated by staff or governing body members. If changes or new rules are proposed, standard rules for agenda posting, consideration and referral to committee shall apply. A vote of six (6) or more members shall be required to adopt any such changes or new rules.”

Councilmembers Emerson and Ortiz spoke in support of the language amendment proposed by Councilmember Hiller.

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

Brent Trout, City Manager, announced the Coffee on Your Corner would be held December 19, 2018, at 10:00 a.m. at the McDonald's located at 5525 SW 21st Street and the Community Unity Program would be the topic of discussion.

Mayor De La Isla thanked volunteers for working in the community this year and invited people to view the podcast on her Facebook page MichelleforTopeka. She encouraged everyone to think of others during the holiday season.

Councilmember Lesser thanked the Topeka Police and Fire Departments for their response to an accident involving the Mark Elliot family.

Councilmember Hiller commented on the Kansas Ballet with Symphony Nutcracker performance and the many other great holiday events being hosted throughout the community.

Councilmember Clear reported the Sheep Dog Impact Assistance Kansas Chapter organization donated a car to a family in need; and Sole Reason distributed shoes to kids at the Boys and Girls Clubs of Topeka.

Governing Body members thanked the Mayor and friends for caroling at each of their homes on December 16, 2018.

Councilmember Emerson commented on his experience in Havana, Cuba; and stated he is thankful to live in a country that provides freedom to all citizens.

Councilmember Padilla stated he appreciates living in America and being able to celebrate the holidays in the way each of us chooses. He thanked the City Manager and City staff for their guidance in 2018 and stated he looks forward to 2019.

Councilmember Jensen thanked Governing Body members and City staff for their work in 2018 and stated he looks forward to 2019. He encouraged everyone to be mindful of others during the holiday season.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed five (5) minutes to discuss confidential employment matters pertaining to non-elected personnel, as justified by K.S.A. 75-4319(b)(1), in order to protect the privacy of those discussed. To aid the discussion, the following individuals were present: Members of the Governing Body. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)

Following a five-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 Governing Body meeting past 10:00 p.m. The motion seconded by Councilmember Emerson carried unanimously. Councilmember Coen left the room. (9-0-0)

Councilmember Jensen moved to recess into executive session for a period of time not to exceed 45 minutes to discuss confidential employment matters pertaining to non-elected personnel, as justified by K.S.A. 75-4319(b)(1), in order to protect the privacy of those discussed. To aid the discussion, the following individuals were present: Members of the Governing Body and Human Resources Director, Jacque Russell. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

Mayor De La Isla left the room.

Following a 45-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 10:00 p.m.

Brenda Younger
City Clerk