

Governing Body Minutes – February 19, 2019

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, February 19, 2019. 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, Councilmember Lesser provided the invocation.

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

Councilmember Lesser stated due to inclement weather conditions, he would move to defer the following agenda items until March 5, 2019. The motion was seconded by Councilmember Jensen.

- Item 4C. Resolution allocating Transient Guest Tax funding to the Sunflower Soccer Association
- Item 4D. Revised Project Budget for City Hall Renovation Project T-131036.00
- Item 5A. Discussion regarding Cereal Malt Beverage and Alcoholic Beverage Regulations
- Item 5B. Discussion regarding Employee Residency Requirements

Councilmember Ortiz moved to amend the motion to exclude agenda Item 5B. The motion seconded by Councilmember Clear carried. Councilmembers Hiller and Coen voted “no.”

(8-2-0)

The motion to defer agenda Items 4C, 4D and 5A until March 5, 2019, carried unanimously.

(10-0-0)

BOARD APPOINTMENT recommending the reappointment of Paul Miller to the Board of Plumbing Examiners for a term ending December 31, 2020, was presented.

BOARD APPOINTMENT recommending the reappointment of Donna Rae Pearson to the Topeka Landmarks Commission for a term ending December 31, 2021, was presented.

BOARD APPOINTMENT recommending the reappointment of David Heit to the Topeka Landmarks Commission for an unexpired term ending December 31, 2021, was presented.

Councilmember Ortiz moved to approve the board appointments. The motion seconded by Councilmember Mays carried unanimously. (9-0-0)

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9079 introduced by Councilmember Karen Hiller, approving a special event known as Tap That Topeka was presented.

ORDINANCE NO. 20172 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of December 1, 2018, through December 28, 2018, and enumerating said expenditures therein was presented.

MINUTES of the regular meeting of February 12, 2019, were presented.

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

FINAL PLAT for Sherwood Village Subdivision on property in which the center line of the tract is generally located 1300 feet south of SW 21st Street and 650 feet west of SW Indian Hills Road lying contiguous to the corporate limits of the City of Topeka, Kansas, and aligns with SW 24th Terrace on its east side was presented. (P18/25)

Brent Trout, City Manager, reported following discussion of the final plat and annexation ordinance at the January 15, 2019, Governing Body meeting; a Neighborhood Information meeting was conducted on January 29, 2019, to address concerns raised by adjacent neighbors.

Bill Fiander, Planning and Development Director, reported there were nine citizens, nine City representatives and three developer representatives that attended the Neighborhood Information meeting. He stated the developer's team led the meeting through five concerns including (1)

Connectivity Between Neighborhoods; (2) Indian Hills Road Improvements; (3) Stormwater; (4) Density of Lots and Compatibility; and (5) Property Values.

Bill Rowland, developer, appeared for questions and stated that he addressed the neighborhood residents concerns on the type of homes being built. He reported it was impossible in the current housing market to build a new home for \$150,000 and the area was not zoned to construct duplexes. He noted he has developed over 300 homes in the area that are compliant to subdivision regulations as well as homeowner association regulations.

James Ungerer expressed concern with conflicting information; density of lots; the lack of connectivity between neighborhoods; and the need to improve SW Indian Hills Road. He thanked Mr. Rowland for appearing at the neighborhood meeting.

Gary Smith requested action be delayed on the final plat and annexation ordinance until the density of the proposed neighborhood could be adjusted and concerns addressed about adjacent property values.

Bryan Fox referenced the term connectivity in regards to developing neighborhoods and stated the neighborhood to the north of Sherwood Park was not connected to another neighborhood. He expressed concern with the needed improvements along SW Indian Hills Road.

Michelle Fox thanked the developer for speaking at the Neighborhood Information meeting; however, not all neighborhood residents were notified of the meeting. She requested the developer finish Miller's Reserve Neighborhood Phase I and II before starting construction of Sherwood Village.

Councilmember Jensen asked staff to address the concerns related to density of lots and information being disseminated to the neighborhood residents.

Councilmember Ortiz questioned why all residents were not notified of the Neighborhood Information meeting.

Bill Fiander stated the request complies with City of Topeka Subdivision Regulations relating to block length and connectivity. He reported all surrounding residents were invited to the initial Neighborhood Information meeting held November 27, 2018; and the second Neighborhood Information meeting included those individuals that expressed specific concerns and provided their contact information at the January 15, 2019, Governing Body meeting.

Councilmember Clear moved to approve the final plat. The motion seconded by Councilmember Emerson carried. Councilmembers Ortiz, Padilla and Coen voted “no.” (7-3-0)

ORDINANCE NO. 20173 introduced by City Manager Brent Trout, annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, located at 2400 SW Indian Hills Road, within unincorporated Shawnee County, Kansas, and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes was presented. (A18/02)

Brent Trout, City Manager, stated the annexation ordinance was the companion document to the final plat and staff recommends approval as presented.

James Ungerer expressed concern with making improvements to SW Indian Hills Road and securing the project in the City of Topeka 10-year Capital Improvement Plan.

Gary Smith expressed concern with property values of surrounding neighborhoods.

Councilmember Coen moved to adopt the ordinance. The motion was seconded by Councilmember Clear.

Councilmember Hiller commended residents and the developer for the good discussion. She encouraged neighborhood residents to stay active in their neighborhood association and keep the

lines of communication open with the developer and the City as the project moves forward and improvements are considered along SW Indian Hills Road.

The motion to adopt the ordinance carried. Councilmember Ortiz voted “no.” (9-1-0)

The ordinance was adopted on roll call vote as follows: Hiller, Clear, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -9. Noes: Ortiz -1.

DISCUSSION regarding the City of Topeka Personnel Code relating to employee residency requirements was presented.

Councilmember Hiller, 2018 Policy and Finance Committee Chair, stated a request was made by Councilmember Coen to consider the issue. She reported the City’s Personnel Code requires City employees to reside within Shawnee County and imposes a thirty minute response time for all public safety personnel. She stated the Policy and Finance Committee held several meetings to discuss whether the Personnel Code should be amended and the Committee on a 3-0 vote, passed a motion to remove the Shawnee County residency requirement and to provide authority to establish reporting times based on job description and duty assignments. She reported the following factors were discussed in Committee:

- Make no changes and all employees must live in Shawnee County
- Drop the residential requirement completely
- Base residential requirements on job descriptions and duty assignments
- Make certain any changes continue to support efforts of affirmative recruitment

Councilmember Coen stated there continues to be a need to recruit outside of Shawnee County and noted many bargaining units spoke in support of removing the requirement.

Councilmember Emerson stated he was reluctant at first to support the change; however, after listening to testimony he better understands the need to find qualified people to fill positions.

Councilmember Hiller asked Governing Body members how they would like to proceed.

Brent Trout, City Manager, commended the Committee for their due diligence in considering the matter. He reported in regards to public safety personnel the default time will remain the same (no more than 30 minutes from duty location) and staff will discuss actual response times based on each position as well as staff will have to negotiate acceptable response times with all unions. He expressed his support of amending the Personnel Code by removing the Shawnee County residency requirement and delegating the responsibility to establish time-reporting requirements for specific positions and assignments to department directors.

Councilmember Clear thanked the committee for a thorough process.

Matthew Blassingame, Fraternal Order of Police (FOP) Lodge No. 3 Union President; Matthew Bergman, AFSCME Legal Counsel Representative; Aaron Freeman, International Association of Firefighters (IAFF) Local 83 Union President, appeared and spoke in support of removing the residency requirement providing the City the opportunity to increase the pool of qualified applicants for employment positions.

Patrick DeLapp and Joseph Ledbetter spoke in opposition of removing the residency requirement. They expressed concern with department directors staying involved in the community; if removing the requirement would really increase the pool of qualified applicants; how the language was drafted; the need to negotiate with unions prior to approval; the need to exclude non-bargaining units from the requirement; and the need for a mileage restriction on City vehicles if the residency requirement was removed.

Councilmember Ortiz spoke in opposition of removing the residency requirement, and stated she believes City employees should reside in city limits. She commented on past experiences of executive staff not residing in city limits.

Councilmember Clear stated the most important aspect of filling a position was to make sure the right person was working the right job and it should not matter where they live. She noted there are ways to regulate City vehicles to avoid any issues.

Councilmember Lesser questioned when the requirement was implemented and stated times have changed and there are now more double income families and increased commuting. He stated he would not support the use of City vehicles if the residency requirement was removed and encouraged staff to draft the language in a manner that would avoid employment practice discrimination cases. He expressed the importance of being able to recruit the best person for the job.

Councilmember Padilla expressed concern with comments referencing the lack of qualified candidates in the Topeka and Shawnee County area. He stated he understands everyone has the right to live where they want; however, he questions what efforts are being made by the City to find and/or cultivate the talent already in the community.

Councilmember Jensen spoke in opposition of removing the residency requirement. He suggested if the residency requirement was removed, new hires that choose not to live in the city should receive a reduced salary.

Mayor De La Isla commended the Committee for their work. She stated unemployment continues to be a nationwide problem and all communities are struggling and seeking creative ways to grow talent in their communities.

Brent Trout stated he appreciates the discussion; however, he would encourage Governing Body members to seriously consider removing the residency requirement. He reported currently Police cars are not allowed to be taken home as well as the City continues to practice affirmative recruitment at a local level. He noted the city of Topeka continues to redevelop and improve

quality of life issues; however, they cannot force people to reside in Topeka – he would prefer that people choose to live here.

Councilmember Hiller stated the City Manager’s position was a contracted position that requires the person live in the city limits. She noted Topeka has become more involved regionally and expressed the importance of the City remaining competitive regarding employment incentives for young professionals as well as it supports economic development. She encouraged staff to remain open to affirmative hiring processes.

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

Brent Trout, City Manager, announced the City Planning and Development Department would host two public meetings regarding the City's Comprehensive Sign Code Regulations on February 26, 2019, at 1:00 p.m. and 6:00 p.m. at the Topeka-Shawnee County Public Library.

Mayor De La Isla encouraged everyone to celebrate Black History Month. She expressed the importance of understanding the historical significance of why events happened in the past and the need to continue to make positive changes for the future.

Councilmember Coen invited Amazon to consider locating their company in Topeka and noted there are readily available sites.

Claude Belshe appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:19 p.m.

(SEAL)

Brenda Younger
City Clerk