Governing Body Minutes – August 7, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, August 7, 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, Coen and Mays -8. Mayor De La Isla presided -1. Absent: Councilmember Lesser -1.

AFTER THE MEETING was called to order, Anthony Divers, Pastor of Inward Faith Outreach Ministries, gave the invocation.

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

Councilmember Emerson requested to add a resolution to the agenda granting a noise exception to the Landing Grille and Bar located at 2920 SE Croco Road on August 10, 2018.

Upon hearing no objections, Mayor De La Isla announced the resolution would be placed on the consent agenda as item 5K.

BOARD APPOINTMENT recommending the appointment of Jeffrey Williams to the City of Topeka ADA Advisory Council for a term ending August 8, 2020, was presented.

BOARD APPOINTMENT recommending the appointment of Erik Wood to the City of Topeka ADA Advisory Council to fill an unexpired term ending October 2, 2019, was presented.

BOARD APPOINTMENT recommending the appointment of Clyde Schwanke to the Topeka Sustainability Advisory Board for a term ending August 8, 2020, was presented.

BOARD APPOINTMENT recommending the appointment of Jaime Crispin to the Topeka Human Relations Commission to fill an unexpired term and a full term expiring March 8, 2021, was presented.
BOARD APPOINTMENT recommending the appointment of Luis Estrada to the Topeka Human Relations Commission to fill an unexpired term expiring on February 29, 2020, was presented.

BOARD APPOINTMENT recommending the reappointment of Robin Jennison to the Topeka-Shawnee County Riverfront Authority Board for a term ending July 2, 2021, was presented.

BOARD APPOINTMENT recommending the reappointment of Katrina Ringler to the Topeka Planning Commission for a term ending September 30, 2021, was presented.

Councilmember Hiller moved to approve the board appointments. The motion seconded by Councilmember Coen carried unanimously. The Mayor does not vote. (8-0-0)

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9033 introduced Councilmember Karen Hiller, approving a special event known as the Cruisin’ the Capitol Car Show, was presented.

RESOLUTION NO. 9034 introduced by Councilmember Karen Hiller, granting Greater Topeka Partnership an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9035 introduced by Councilmember Karen Hiller, approving a special event known as the First Friday Alley Party, was presented.

RESOLUTION NO. 9036 introduced by Councilmember Karen Hiller, granting Downtown Topeka Inc., an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.
RESOLUTION NO. 9037 introduced by Councilmember Tony Emerson, granting Ebenezer Baptist Church an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9038 introduced by Councilmember Sylvia Ortiz granting Preston Walker an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9039 introduced by City Manager Brent Trout, granting various neighborhood organizations exceptions to the provisions of City of Topeka Section 9.45.150, et seq., concerning noise prohibitions was presented.

ORDINANCE NO. 20128 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of June 2, 2018, through June 29, 2018, and enumerating said expenditures therein was presented.

MINUTES of the regular meeting of July 17, 2018, was presented.

APPROVAL of Open After Midnight License applications were presented for Henry T’s located at 1521 SW 21st Street and Ryan’s Pub located at 2910 SW Oakley Avenue, Suite D.

RESOLUTION NO. 9040 introduced by Councilmember Tony Emerson granting The Landing Grille and Bar an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

Councilmember Emerson moved to approve the consent agenda as amended. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

ORDINANCE NO. 20129 introduced by City Manager Brent Trout, authorizing and providing for the issuance of $7,225,000 aggregate principal amount of General Obligation Bonds, Series 2018-A and $5,285,000 aggregate principal amount of General Obligation Bonds,
Series 2018-B (Zoo projects), of the City of Topeka, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto was presented.

Jeff White, Columbia Capital Title, provided an overview of the process of the City’s borrowing program including the issuance of general obligation bonds and temporary notes.

Councilmember Hiller expressed concern with the 2018 Temporary Notes costing the City $1 million in interest and noted this was the same amount being requested by citizens to support affordable housing initiatives. She expressed her appreciation to staff in their efforts to reduce the City’s overall debt and the importance of the City remaining on the path of debt reduction.

Nickie Lee, Financial and Administrative Services Director, provided a summary of the competitive bid results for the general obligation bonds and temporary notes.

Councilmember Hiller questioned if there were projects from previous Capital Improvement Plans (CIP) that would need to be bonded.

Nickie Lee reported there may be some projects from previous CIPs that need to be included in future issuance of bonds.

Councilmember Clear moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

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

RESOLUTION NO. 9041 introduced by City Manager Brent Trout, prescribing the form and details of and authorizing and directing the sale and delivery of $7,225,000 aggregate principal amount of General Obligation Bonds, Series 2018-A and $5,285,000 aggregate principal amount
of General Obligation Bonds, Series 2018-B (Zoo projects), of the City of Topeka, Kansas, previously authorized by Ordinance No. 20129 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith was presented.

Councilmember Jensen moved to approve the resolution. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

RESOLUTION NO. 9042 introduced by City Manager Brent Trout, authorizing and directing the issuance, sale and delivery of $44,045,000 in the aggregate principal amount of General Obligation Temporary Renewal and Improvement Notes, Series 2018-A, and $3,520,000 in the aggregate principal amount of Taxable General Obligation Temporary Notes, Series 2018-B, of the City of Topeka, Kansas, providing for the levy and collection of an annual tax, if necessary for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith was presented.

Councilmember Clear moved to approve the resolution. The motion seconded by Councilmember Padilla carried unanimously. (9-0-0)

RESOLUTION NO. 9043 introduced by City Manager Brent Trout, setting the public hearing to consider the advisability of establishing a Community Improvement District (CID) for the Cyrus Hotel at 912-924 South Kansas Avenue, as more specifically described herein was presented.

Brent Trout, City Manager, reported the applicant has requested to increase the CID rate from 1% to 2%. 

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Doug Gerber, Deputy City Manager, reported approval would set a public hearing date on September 4, 2018, at which time more project details would be discussed. He stated the request was reviewed and approved by the City’s Policy Review Committee.

Councilmember Hiller asked staff to define the purpose of the CID.

Doug Gerber provided an overview of how a Community Improvement District works and stated property owners in a defined area voluntarily tax themselves in order to fund improvements within the district's boundaries.

Councilmember Ortiz questioned if the applicant initially asked for approval of a 2% rate and if the boundary of the district would change.

Doug Gerber reported the applicant did initially request a 2% CID rate staff did not support; however, since that time staff supports an increase to the rate and believes a 2% rate would be more appropriate for large scale projects such as this and the Wheatfield Development Project.

Councilmember Hiller stated the tax would serve as a 2% surcharge to be contributed to project costs for those who visit the hotel and restaurant.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

ORDINANCE 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 amendment of the Planned Unit Development Master Plan for the College Hill Redevelopment Subdivision to allow for the construction and operation of a dog park and pet exercise area as an interim use with the underlying PUD land use of eight attached residential townhomes to remain in place for future construction on vacant property located at 1423 SW Lane Street was presented. (PUD06/01C)
Bill Fiander, Planning Director, reported approval would allow a dog park as an interim use for the next three years by residents of the College Hill Apartments until the developer begins construction of additional apartments on the property.

Councilmember Jensen spoke in opposition of the zoning amendment and expressed concern with the dog park becoming a permanent use for the property. He spoke in support of the developer building townhomes and/or apartments as initially planned for the development.

Bill Fiander stated the proposed use would serve as a much needed amenity during the interim as there are many pet owners residing in nearby apartments.

Councilmember Ortiz expressed concern with the proposed dog park only being accessible to the residents and not the entire neighborhood.

Councilmember Padilla stated he concurs with Councilmember Jensen and would support more development to enhance the neighborhood instead of the proposed dog park.

Councilmember Clear spoke in support of the proposed use because the land has been vacant and would continue to be for at least three more years.

Councilmember Hiller asked staff to speak to the legality of the situation as it relates to change in ownership of the property.

Lisa Robertson, City Attorney, provided background on the initial development agreement regarding the College Hill Development. She noted Washburn Lane, L.L.C., has dissolved as well as the agreement was not recorded by either party with the Shawnee County Register of Deeds in 2010, rendering the agreement nonbinding to the current owner.

Councilmember Jensen questioned the use of eminent domain by the City in order to secure the property being discussed.
Councilmember Emerson stated he would like more information on how the property was obtained by the City before voting on the issue.

Councilmember Mays asked if any residential homes were demolished in order for the initial development to take place.

Councilmember Ortiz stated she believes a home was demolished on the parcel being discussed.

Councilmember Jensen questioned if the City could place restrictions on the approval such as securing a written agreement from the current owner that they would build apartments on the property in two years.

Brent Trout, City Manager, stated staff would need to research for a definitive answer on how the property was obtained by the developer; and written agreement could not serve as a condition of the PUD.

Councilmember Coen moved to defer the ordinance for one week. The motion seconded by Councilmember Emerson carried unanimously. (9-0-0)

DISCUSSION and overview of the City of Topeka 2019 Consolidated Annual Action Plan; and a PUBLIC HEARING for the purpose of obtaining public input on the 2019 City of Topeka consolidated Annual Action Plan, was presented.

Sasha Haehn, Department of Neighborhood Relations Director, reported the Division of Housing Services receives the majority of its funding from the U.S. Department of Housing and Urban Development (HUD) which requires the City to submit an Annual Action Plan that outlines the detailed programming and projects for the upcoming year.

Mayor De La Isla opened the public hearing and asked if there was anyone present who would like to speak to the matter.
Shanae Holman, JUMP, spoke in support of the 2019 City of Topeka Consolidated Annual Action Plan. She expressed concern with affordable housing in the community and hopes a solution for rental properties could be achieved.

Upon no one else appearing, Mayor De La Isla announced the public hearing was closed.

Councilmember Jensen stated he understands the concerns expressed by Ms. Holman; however, the City does not have permission to make changes to rental properties making it difficult to regulate.

Sasha Haehn provided an overview of the two programs offered to landlords for the purpose of improving rental properties.

A PUBLIC HEARING to obtain public input and answer questions and objections from taxpayers regarding the proposed 2019 City of Topeka Operating Budget was presented.

Brent Trout, City Manager, provided an overview of the budget process to date. He stated they look forward to hearing input from the public with the anticipation of adopting the 2019 City of Topeka Operating Budget on August 14, 2018.

Mayor De La Isla opened the public hearing and asked if there was anyone present who would like to speak to the matter.

The following individuals appeared to speak:

- Ernestine Adams, Topeka JUMP member, spoke in support of a solution to affordable housing in Topeka and implementing an Affordable Housing Trust Fund by the City.
- Latricia Kearse, Topeka JUMP member, spoke in support of a solution for safe and affordable housing in the City of Topeka and the implementation of an Affordable Housing Trust Fund by the City.
- Pastor Anthony Divers spoke in support of implementing an Affordable Housing Trust Fund to assist individuals in need.
- Joseph Ledbetter expressed the importance of enforcing code regulations and holding absentee property owners accountable; financial support of the Topeka Zoo and Topeka Police Department including the new full-time position being proposed by the Zoo as well as funds for the Police Crisis Intervention Team (CIT) to address mental health issues in the community. He spoke in opposition of increasing utility rates and expressed
concern with productivity in the Water and Street Departments; the City’s Standard Operating Procedure for potholes; importance of snow removal and how it relates to the breakdown of the street base.

Upon no one else appearing, Mayor De La Isla announced the public hearing was closed.

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

Whitney Damron, City Lobbyist, discussed issues of potential interest to the City of Topeka for the 2019 Legislative Session including Taxes and State Revenues, Internet Taxes, Abandoned Housing, Transportation and Community Improvement Districts.

Councilmember Jensen questioned if they could conduct a public vote to solve the abandoned housing problem due to the lack of support in addressing the issue at the State level.

Whitney Damron reported the State of Kansas prohibits these types of issues from being placed on a ballot and suggested the City exercise their home rule authority where appropriate.

Councilmember Mays noted the City’s sign ordinance has been ruled ineffective by State law and asked if any other municipalities have had any luck with regulating political signs.

Whitney Damron stated the City of Wichita has a strong ordinance regulating political signs.

Brent Trout, City Manager, stated staff would attend the League of Kansas Municipalities (LKM) policy subcommittee meetings and would be happy to present and discuss policy issues the Governing Body would like to address.

Councilmember Hiller spoke in support of exercising home rule authority regarding signs and suggested asking the legislature to repeal the sign laws. She also suggested the Governing Body discuss the abandoned housing issues as a whole and determine how they would like to address the issue.
DISCUSSION regarding the Special Committee consideration of the proposed ordinance addressing Pedestrian/Traffic Safety was presented. (This ordinance was referred to a Special Committee on May 8, 2018.)

Councilmember Jensen, Special Committee Chair, provided an update on the process to date. He reported the Committee has taken a three phase approach to the issue (1) Review the language of the proposed ordinance to ensure it was clear and understandable; (2) What would the fallout be if the homeless are displaced; and (3) How long would it take to implement and enforce the ordinance. He referenced the Camping ordinance currently being reviewed by the Public Health and Safety Committee and how it relates to Pedestrian and Traffic Safety ordinance and would suggest the Governing Body discuss the two issues as a whole. He noted as a result of the discussions that have already taken place, it will be necessary to locate a funding source to help solve the issues if the ordinance was approved.

Councilmember Clear suggested the Governing Body determine if the issue should be considered a City priority and allocate funds to help solve the problem.

DISCUSSION regarding the Public Health and Safety Committee consideration of the proposed ordinance addressing Camping was presented. (This ordinance was referred to the Public Health and Safety Committee on May 8, 2018.)

Councilmember Ortiz, Public Health and Safety Committee Chair, provided an update on the committee meetings and discussions with area organizations to determine the needs of the community. She reported other opportunities are being discussed including private funding as well as the inclusion of State and local partners to help assist.

Lisa Robertson, City Attorney, stated the final report on both the Pedestrian/Traffic Safety ordinance and Camping ordinance are due September 1, 2018. She notified the Governing Body
an item would be placed on the August 21, 2018, Governing Body agenda, for the purpose of providing the Governing Body an opportunity to consider how they would like to proceed with the ordinances.

Councilmember Ortiz stated she would prefer to allow time to fully evaluate and discuss the issue to have the most effective outcome in assisting individuals in the community.

Teresa Miller asked the Governing Body to address camping in residential areas, specifically tents, vans and mobile homes on residential backyard properties.

Councilmember Clear stated it was her goal to eliminate camping in residential areas.

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

Brenda Younger, City Clerk, gave a brief overview of the August 14, 2018, Governing Body agenda.

Brent Trout, City Manager, announced the Metropolitan Topeka Planning Organization (MTPO) has posted the Transportation Safety Plan Survey online at www.topekamtpo.org and encouraged everyone to participate in the survey. He also announced the League of Kansas Municipalities would host its Annual Conference October 6-8, 2018, in Topeka and stated if any of the Governing Body members are interested in serving as a voting delegate to fill out the form and submit it to the City Clerk's office by September 21, 2018. He also announced the Inter-City Visit 2018 Expedition Chattanooga would be held in Chattanooga, Tennessee, October 17-19, 2018. He stated because the Inter-City Visit would start October 17, 2018, the October 16, 2018, Governing Body meeting may need to be cancelled or rescheduled to October 23, 2018, to allow Governing Body members wanting to attend the Inter-City Visit to make travel arrangements. He
also questioned if the Governing Body would prefer to cancel the November 6, 2018, Governing Body meeting due to the General Election taking place on that date.

Mayor De La Isla thanked citizens and the Topeka Police Department for their assistance in helping secure her home after experiencing crime incidents. She commented on the Bloomberg Harvard Initiative training and asked the following questions for members of the Governing Body to consider: (1) How they are being perceived as a leader, and (2) How do they make others feel when they are around them. She commented on the Top City Teachers Kick-Off Luncheon she attended on August 6, 2018, at the Topeka Civic Theater and the need to retain teachers in our community.

Councilmember Ortiz announced National Night Out neighborhood events throughout Topeka would be held on August 11, 2018. She spoke in support of cancelling the Governing Body meeting on November 6, 2018.

Councilmember Emerson announced National Night Out events happening throughout the City and spoke in support of neighbors celebrating together and getting to know one another.

Councilmember Jensen thanked all those involved in the Rock and Food Truck Festival on July 28, 2018.

Councilmember Mays commended the Topeka Police Department for the TPD Award Ceremony held on August 2, 2018, which honored community members and officers for going above and beyond their line of duty.

Councilmember Hiller thanked those who participated and volunteered in the Primary Election held August 7, 2018. She commented on the National Night Out events happening throughout Council District No. 1 and thanked those who have volunteered to assist with the events.
Councilmember Clear encouraged support of the 2018 Sertoma Great Topeka Duck Race event occurring September 15, 2018, and challenged the Governing Body to continue growing their team. She offered her condolences to the Suzanne James family.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:13 p.m.

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Brenda Younger
City Clerk