

Governing Body Minutes – July 9, 2019

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, July 9, 2019. The Governing Body members of the City of Topeka met in regular session at 5:00 P.M., with the following Councilmembers present: Hiller, Ortiz, Emerson, Padilla, Mays, Coen and Lesser -7. Deputy Mayor Clear presided -1. Absent: Mayor De La Isla and Councilmember Jensen -2.

AFTER THE MEETING was called to order, Father Jerry Arano-Ponce, Our Lady of Guadalupe Catholic Church, provided the invocation.

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

THE CONSENT AGENDA was presented as follows:

EXTENSION of lease terms for use of Burnett’s Mound Communication Tower by STC Five, L.L.C., (formerly Sprint) was presented. (Contract No. 47919)

MINUTES of the regular meeting of July 2, 2019, were presented.

Councilmember Lesser moved to approve the consent agenda. The motion seconded by Councilmember Emerson carried unanimously. (8-0-0)

ORDINANCE NO. 20190 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 on a 14-acre portion of the original Villa West shopping center property located at the northwest intersection of SW 29th Street and SW Wanamaker Road from “PUD” Villa West Planned Unit Development District (C-4/I-1 uses) to “PUD” Sherwood Crossing Planned Unit Development District (C-4 uses) was presented. (PUD19/1)

Bill Fiander, Planning and Development Director, reported the request would allow the redevelopment of the old Villa West Shopping Center requiring higher standards relating to non-residential design, draft sign and landscape requirements. He noted the development would

include new commercial buildings, new and reconstructed parking lots, new facades and canopies. He stated the Planning Commission and Planning and Development Department recommend approval.

Deputy Mayor Clear 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 Councilmembers Ortiz and Coen.

Councilmember Coen moved to adopt the ordinance. The motion seconded by Councilmember Padilla carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Emerson, Padilla, Mays, Coen, Lesser and Deputy Mayor Clear -8. Absent: Jensen and Mayor De La Isla -2.

Councilmember Jensen entered the room.

ORDINANCE NO. 20191 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 660 NE U.S. 24 Highway from “C-4” Commercial District TO “I-1” Light Industrial District was presented. (Z19/4)

Bill Fiander, Planning and Development Director, reported the request would allow redevelopment of the property for a self-storage facility. He stated the Planning Commission and Planning and Development Department recommend approval.

Deputy Mayor Clear 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.

No ex parte communication was declared by Governing Body members.

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

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

RESOLUTION NO. 9125 introduced by City Manager Brent Trout, in accordance with Section 18.60.010 of the Topeka Municipal Code, approving a Conditional Use Permit for a “Public Utility Facility, Type II (Fiber Optic Network Facility)” on property zoning “C-4” Commercial District and located at 5031 SW 28th Street in the City of Topeka, Shawnee County, Kansas was presented. (CU19/06)

Bill Fiander, Planning and Development Director, reported the request would allow construction of a building and two parking stalls for control and maintenance of the company’s

expanded fiber optic system. He stated the Planning Commission and the Planning and Development Department recommend approval.

Deputy Mayor Clear 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.

No ex parte communication was declared by Governing Body members.

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

RESOLUTION NO. 9126 introduced by City Manager Brent Trout, in accordance with Section 18.60.010 of the Topeka Municipal Code, approving a Conditional Use Permit for a “Public Utility Facility, Type II” (Water Pump Station) on property within the “R-1” Single Family Dwelling District and located at 2907 NW Topeka Boulevard in the City of Topeka, Shawnee County, Kansas was presented. (CU19/07)

Bill Fiander, Planning and Development Director, reported the request would allow for the construction of a water pump station enclosed in a building with access to the site by an existing, improved driveway also providing access to an adjacent residence. He stated the Planning Commission and Planning and Development Department recommend approval.

Deputy Mayor Clear 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.

No ex parte communication was declared by Governing Body members.

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

APPROVAL of a three-year labor agreement between the City of Topeka and the Water Division of AFSCME Council 61, Local 1294 was presented. (Contract No. 47920)

Brent Trout, City Manager, reported the labor agreement includes the three sections approved by the Governing Body on June 18, 2019, relating to wages, second shift and wage schedule administration along with the 26 items that were tentatively agreed upon between the bargaining unit and City management.

Councilmember Ortiz inquired on the start time for the 2nd shift and if it would be implemented in 2019.

Brent Trout stated he would report back to the Governing Body as they are still finalizing the details.

Councilmember Jensen moved to approve the labor agreement. The motion seconded by Councilmember Padilla carried unanimously. (9-0-0)

DISCUSSION of, and possible ACTION on, the 2020 Proposed City of Topeka Operating Budget was presented.

Michaela Saunders spoke in support of increasing the mill levy for TMTA to avoid service cuts. She asked the Governing Body to explain in detail the process of approving the 2020 City of Topeka Operating Budget to help citizens better understand the process.

Clark Trammell distributed a handout relating to local property tax and commended the City Manager for presenting a budget that maintains the current mill levy. He stressed the importance of adjusting the City's budget to the economic environment.

Dick Ketterman spoke in support of increasing the mill levy to provide necessary services to citizens. He expressed concern with the amount of subsidized money the City gives to the TMTA Bike Program and would rather keep TMTA employees or necessary routes. He commented on recent dog attacks in the community and precautionary measures that could be taken.

Brent Trout, City Manager, reported he has been meeting with Governing Body members over the past week in an attempt to finalize budget amendments. He stated if necessary consideration of proposed amendments and establishment of a public hearing date could be deferred until July 23, 2019. He commented on the TMTA mill levy and stated it would not have an effect on the City's tax lid regulations.

Nick Hawkins, Administrative and Financial Services Deputy Director, reported on the mill levy cap requirements which include expenses relating to public safety, debt and special liability. He stated staff proposed a 0.57 mill increase which equates to \$659,000.

Deputy Mayor Clear spoke in support of a mill levy increase for 2020, and continued increases in small increments over time instead of a large increase all at once. She stated citizens continue to want more services and infrastructure must be improved.

Deputy Mayor Clear moved to increase the mill levy by one (1). The motion was seconded by Councilmember Jensen.

Councilmember Hiller spoke in opposition of considering a mill levy increase until the Governing Body has exhausted all options. She stated she would like to find \$800,000 in sustainable and renewable cuts to cover the transition of funds to the City budget for snow removal; and another \$300,000 for management and non-union employees to be given the same allowance for merit based increases as the rest of City staff.

Councilmember Jensen asked the Governing Body to consider privatizing services and determining the core functions of government before increasing taxes.

The motion to increase the mill levy by one (1) failed. Councilmembers Hiller, Ortiz, Emerson, Padilla, Jensen, Mays, Coen and Lesser voted “no.” (1-8-0)

Councilmember Jensen moved to defer action on the 2020 proposed City of Topeka Operating Budget until July 23, 2019. The motion seconded by Councilmember Lesser carried unanimously. (9-0-0)

ESTABLISHING a public hearing date of August 13, 2019, for the purpose of hearing and answering objections of taxpayers relating to the proposed City of Topeka 2020 Operating Budget; setting the maximum expenditure limits; and authorize the publication of the public hearing notice in the Topeka Metro Newspaper was presented.

Councilmember Lesser moved to defer establishing a public hearing date until July 23, 2019. The motion seconded by Councilmember Emerson carried. Councilmember Mays voted “no.” (8-1-0)

AN OVERVIEW of the Contractor License Renewal Rapid Process Improvement (RPI) Event was presented.

Brent Trout, City Manager, reported the Development Services Division conducted a RPI event and examined the contractor license renewal process.

Richard Faulkner, Development Services Division Director, provided an overview of the findings and the following solutions they plan to implement:

- (1) Verify with new applicants that their address information is correct
- (2) Ensure the post office forwards the mail if they have an updated address
- (3) Send out a mass email to all license holders and remind them to provide City with current address
- (4) Work with TSG to reduce the number of steps required to print an approved license and update contractor information.

Councilmembers Hiller, Ortiz, Jensen and Lesser encouraged staff to implement a process to handle licensing electronically as well as other related services.

Richard Faulkner stated there are plans in 2020 to upgrade the software system and give consideration to online services. He noted he would provide the Governing Body with an update as staff moves through the process.

Brent Trout stated staff consistently reviews and considers upgrades to City software programs that may improve services.

DISCUSSION concerning adoption of the 2015 Uniform Mechanical Code and changes to the current organizational structure for inspection services for water backflow was presented.

Richard Faulkner, Development Services Division Director, highlighted the following:

- 2015 Uniform Mechanical Code Ordinance would allow the City to update their 2006 Uniform Mechanical Code to the 2015 Uniform Mechanical Code (UMC) for installation of mechanical systems. He stated by adopting the 2015 UMC the City would move forward in keeping up with changes in the mechanical industry which would lead to a safer and more efficient built community.
- The Backflow/Cross Connection Ordinance reflects the current organizational structure of consolidating inspection services for water backflow within Development Services as opposed to splitting the inspection responsibilities between two departments. The ordinance also allows the City Manager to establish fees in support of the backflow inspection program.

Councilmember Padilla asked the City Manager to try and find \$40,000 in the proposed budget to fund the social services (LULAC, East Topeka Senior Center and others) that were not approved for funding in 2020.

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

Brent Trout, City Manager, commented on the Kansas Supreme Court's decision to uphold City of Topeka Ordinance No. 20099 banning the sale of cigarettes and tobacco products to people under 21. He thanked Mary Feighny, Assistant City Attorney, for her representation on the issue.

Deputy Mayor Clear thanked citizens for following the City of Topeka Firework regulations.

Councilmember Padilla announced the upcoming 2019 Fiesta Mexicana Celebration during July 16-20, 2019.

Councilmember Jensen stated he was working with TMTA representatives to find ways to keep the current service levels while staying within their current budget. He welcomed input from the community on the matter.

Councilmember Coen asked how many fireworks stands were located in the City of Topeka and commented on lost revenue due to the reduction in the amount of days vendors were allowed to sell fireworks. He also asked the City Manager to find a way to educate the public on what portion of the mill levy as well as sales tax the City receives.

Councilmember Hiller referenced the League of Kansas Municipalities magazine which annually publishes an outline of tax rates of all cities in Kansas. She commended the City Utilities Division for doing great work in Council District No. 1. She offered her condolences to

the Mike Calwell family and announced a memorial would be held July 20, 2019, from 6:00 p.m. to 8:00 p.m. at Kaw Point near Kansas City.

Councilmember Ortiz announced the 2019 Fiesta Mexicana Parade and 5K Run would be held July 13, 2019, in the downtown and Oakland areas.

Councilmember Emerson referenced the City of Boston PILOT (Payment In Lieu of Tax) Program where many major non-profit organizations make a voluntary contribution to the City each year in the form of cash and community programs that uniquely benefit the City's residents by funding important services such as police and fire protection. He requested the City of Topeka consider a similar PILOT Program.

Robert Troupe, Jr., and Clark Trammell appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:35 p.m.

(SEAL)

Brenda Younger
City Clerk