

Governing Body Minutes – September 3, 2019

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, September 3, 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, Jacob Martin, Topeka First United Methodist Church Youth Pastor, provided the invocation.

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

A PRESENTATION on the Topeka Police Explorers Program was presented by Alejandro Martinez, Topeka Police Explorer.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9141 approving the issuance by the City of Wichita, Kansas, of its Health Care Facilities Revenue Bonds for the purpose of financing the acquisition, construction, improvement and equipping of an existing living facilities located in the City of Topeka, Kansas, was presented.

ORDINANCE NO.20201 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of June 29, 2019, through August 2, 2019, and enumerating said expenditures therein was presented.

RESOLUTION NO. 9142 introduced by Councilmember Jeff Coen, granting Specks Bar and Grill an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9143 introduced by Councilmember Karen Hiller, approving a special event known as Mission Fest 2019 Kick-Off Concert was presented.

RESOLUTION NO. 9144 introduced by Councilmember Karen Hiller, approving a special event known as Mission Fest 2019 was presented.

RESOLUTION NO. 9145 introduced by Councilmember Karen Hiller, granting The Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

MINUTES of the regular meeting of August 20, 2019, were presented.

APPROVAL of a Cereal Malt Beverage License application for Love's Travel Shop #769 located at 1811 NW Brickyard Road was presented.

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

ORDINANCE NO. 20202 introduced by City Manager Brent Trout, adopting the 2019 Standard Traffic Ordinance (STO) and local amendments thereto, amending TMC 10.15.010 and TMC 10.15.020 was presented.

Brent Trout, City Manager, stated staff was recommending approval and Karan Thadani, Chief of Prosecution, was present to answer questions.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Mays carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -10.

ORDINANCE NO. 20203 introduced by City Manager Brent Trout, adopting the 2019 Uniform Public Offense Code (UPOC) and local amendments thereto, amending TMC 9.05.080 was presented.

Brent Trout, City Manager, stated staff was recommending approval and Karan Thadani, Chief of Prosecution, was present to answer questions.

Councilmember Lesser moved to adopt the ordinance. The motion seconded by Councilmember Clear carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -10.

RESOLUTION NO. 9146 introduced by City Manager, Brent Trout, providing notice of a public hearing concerning the establishment of a Redevelopment District (TIF) within the City (Dynamic Core Redevelopment District) pursuant to K.S.A. 12-1770, et seq., as amended was presented.

Brent Trout, City Manager, reported staff requests approval of the resolution setting a public hearing date the first step in the process of establishing a TIF district.

Councilmember Hiller stated she supports economic development; however, she would request that the Governing Body as well as staff give further consideration to addressing some of the issues that have been raised relating to the proposal before the public hearing was conducted. She mentioned the following items she would like addressed before the public hearing date:

- Provide the results of the research staff is currently conducting on similar models being used throughout the nation.
- Develop a complete process in managing the Neighborhood Revitalization Program. She stated the NRP and TIF are mutually exclusive programs. All 59 of the current Neighborhood Revitalization Plans located in the proposed district would have to opt out via a Governing Body approved ordinance instead of using the current administrative process.
- Supply a comparison list outlining the differences between the NRP and TIF.
- Supply an updated list of all economic development incentives available for use.
- Determine which economic development tool would work best for the proposed area based on completed project outcomes already located in the proposed district.

Councilmember Jensen stated he concurs with statements made by Councilmember Hiller. He expressed the importance of making sure the right economic development incentive was being used for the area in order to generate tax revenue to help fix infrastructure. He spoke in support of setting a public hearing date as it establishes a deadline for consideration and provides an opportunity to receive feedback from the public. He spoke in support of moving forward at this time and encouraged staff to generate the requested information so the Governing Body can make an informed decision.

Councilmember Jensen moved to approve the resolution. The motion was seconded by Councilmember Clear.

Will Pope spoke in opposition of the proposed district. He asked the Governing Body to reject the proposal as he believes TIF Districts do not generate economic development and only transfer economic development locations. He questioned the “but-for test” clause and blight requirements as it relates to the proposed district.

Doug Gerber, Deputy City Manager, clarified the TIF policy speaks to the “but-for test” in regards to the project plan, not the establishment of a district, two separate processes outlined in City policy as well as State law. He stated a local government must find that in its opinion the subsidized development would not have happened “*but for*” the use of TIF. He also clarified that the district does not have to be considered blighted as there are a number of statutory ways that a district could be established. He noted each property owner has to make the decision based on their best interest.

Brent Trout stated the City must establish a base plan to continue to receive funding from property taxes to help support the City’s general fund. He noted any increases in value from

property improvements would go to the TIF District to be utilized for infrastructure projects and/or provide incentives to anyone who wants to do a project in the area.

Councilmember Mays spoke in support of the project and stated he believes it will be an innovative plan for economic development and a proactive step for downtown development.

Councilmember Lesser expressed concern with the downtown plan; however, he stated it was time to move forward and have more discussions about the process relating to the NRP and TIF districts.

Brent Trout stated he understands the importance of having a clear process in place in regards to removing a property from a TIF District.

Councilmember Emerson asked if 30 days would be sufficient time to gather the requested information.

Doug Gerber stated he believes staff can gather the information in the next couple of weeks.

Councilmember Ortiz moved to amend the resolution to change the public hearing date to October 15, 2019. The motion seconded by Councilmember Jensen carried. Councilmembers Clear and Padilla voted “no.” (8-2-0)

The motion to approve the resolution as amended carried unanimously. (10-0-0)

UPDATE and possible ACTION on the proposed camping ordinance was presented.

Councilmember Ortiz, Public Health and Safety (PHS) Committee Chair, provided an update on homeless statistics. She noted many community groups are working together to address the issues; however, there continues to be a struggle to generate funding. She asked Committee members to consider how they want to move forward with the proposed ordinance.

Councilmember Mays, PHS Committee member, stated he looks forward to additional information on the explosion of the recent homeless population.

Councilmember Hiller, PHS Committee member, announced the next PHS Committee meeting would be held on September 16, 2019, from 3:00 p.m. to 5:00 p.m. in the Executive Conference Room. City Hall, 215 SE 7th Street.

Councilmember Clear asked if they could also address camping on public property during First Friday Art Walk events in the NOTO Arts District.

Luther Ganieany, Topeka Police Department Legal Counsel, stated the Governing Body has the following two choices:

1. Implement a total ban on camping with the stipulation there are shelter alternatives in place. *(He noted there is some concern that certain alternatives do not have the shelter capacity to make a total ban feasible.);* or
2. Implement a partial ban which prohibits camping in certain areas but offers alternative areas.

Councilmember Hiller questioned the possibility of regulating the issue by offering camping permits to all.

UPDATE and possible ACTION on the proposed traffic and pedestrian safety ordinance was presented.

Councilmember Jensen, Special Committee Chair, reported the Committee has been waiting until the PHS Committee has completed their work and based on the report from Councilmember Ortiz, he would request the ordinance be placed on a future agenda for consideration since the PHS Committee was close to making a determination regarding the camping ordinance.

DISCUSSION of proposed amendments to Title 2 of the Municipal Code to effectuate a comprehensive update of personnel-related provisions was presented.

Councilmember Coen, Policy and Finance Committee Chair, reported the review initially began as a “quasi-Rapid Process Improvement (RPI) process” to improve efficiencies by reducing the number of personnel-related documents that both supervisors and employees are

required to “consult” in order to obtain all information that may be relevant to the decision-making process. He stated during the review; however, it was discovered that the issue was much broader in scope and the Personnel Code as well as the Topeka Municipal Code contained outdated and inaccurate information. He noted the PF Committee has unanimously recommended amending the identified personnel-related provisions contained in the Topeka Municipal Code, repealing the Personnel Code.

Lisa Robertson, City Attorney, provided a brief summary of the history and background of the City of Topeka Personnel Code dating back to the 1980s.

Shawn Maisberger, Human Resources Manager, provided an overview of the process used to conduct a comprehensive review of the Personnel Code and the overall goal to create an efficient process.

In conclusion, Lisa Robertson provided a summary of considerations for the Governing Body as they move forward with the proposed ordinance.

Governing Body members thanked Committee members and staff for working together and providing thorough information allowing the Governing Body to make informed decisions.

AN OVERVIEW of the Graphics Design Rapid Process Improvement (RPI) Event was presented.

Molly Hadfield, Media Relations Director, provided an overview of the services provided by City4 and introduced the RPI event team members and facilitators.

Taylor Schley, City Production Specialist, reported the purpose of the RPI was to identify barriers and applicable solutions; steps in a process to create efficiencies resulting in improved communication; eliminating delays; and implementing consistency in branding for the City.

Councilmember Hiller requested Governing Body members be included in the branding process and provided assistance in the creation of business cards and letterhead.

Councilmember Ortiz expressed her appreciation to the City4 team for their professionalism.

Brent Trout thanked City4 staff members for their work in creating a consistent branding for the City.

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

Brenda Younger, City Clerk, gave a brief overview of the September 10, 2019, Governing Body agenda.

Brent Trout, City Manager, announced the Topeka Fire Department would host a Mental Health Symposium for First Responders at the Topeka Center for Advanced Learning and Careers on September 6, 2019; the Topeka Municipal Court would host Clean Slate Day September 20, 2019, from 8:00 a.m. to 2:00 p.m. at the Topeka Performing Arts Center; and the 2nd Annual Landlord Expo would be held September 14, 2019.

Mayor De La Isla commented on meetings with Superintendent Dr. Tiffany Anderson and Topeka Public Schools regarding the Topeka Center for Advanced Learning and Careers (TCALC) events and encouraged the community to continue to support the school system and its students. She thanked the Community Team for delivering cookies to Topeka Fire Fighters and Police Officers.

Councilmember Coen commended the TCALC and stated the center was considering allowing non-U.S.D. 501 students as well as home-schooled students in the future.

Councilmember Hiller thanked Howard Uhl, City Engineer, for his professionalism regarding street closure notifications.

Councilmember Ortiz thanked the Topeka Fire Department for going above and beyond their duty in the community. She commended the community for the overwhelming support of the Topeka Rescue Mission.

Councilmember Padilla stated the TCALC continues to be a rewarding program for students and thanked everyone involved in its impressive operations.

Councilmember Jensen thanked City employees for their work during inclement weather.

Will Pope and Frank Meade appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:12 p.m.

(SEAL)

Brenda Younger
City Clerk