

## **Governing Body Minutes – September 10, 2019**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, September 10, 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, Kansas National Guard Chaplain Major Joshua Buford, provided the invocation.

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

A SERVICE RECOGNITION Ceremony was conducted for the AmeriCorps NCCC Sun 5 Team by Mayor De La Isla and Monique Glaude, Community Engagement Division Director.

A PRESENTATION of the 2018 Military Personnel Awards was presented by Mayor De La Isla; David H. Fisher, Jr., Topeka Military Relations Committee Chairman; and Curtis Sneden, Greater Topeka Partnership Government Relations. The Topeka Military Relations Committee honored the following award recipients:

- Master Sergeant Beverly Claycamp, Kansas Army National Guard
- Staff Sergeant Anthony M. Miller, United States Marine Corps
- Yeoman Third Class Nathaniel M. Batoon, United States Coast Guard
- Sergeant First Class Larry Bukacek, United States Army Reserve
- Senior Master Sergeant Ron Rindt, Kansas Air National Guard

A PRESENTATION on the 2019 Public Works Quarterly Report was presented by Brian Faust, City Engineer.

A PRESENTATION on the 2019 Utilities Quarterly Report was presented by Braxton Copley, Deputy Director of Utilities.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of September 3, 2019, were presented.

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

ORDINANCE NO. 20204 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 2046 SW Van Buren Street from “M-1” Two Family Dwelling District TO “C-4” Commercial District was presented. (Z19/6)

Bill Fiander, Planning and Development Director, reported the property is surrounded by an adjacent contractor shop and yard, all zoned "C-4" Commercial. He stated the Topeka Planning Commission and the Planning Department recommends approval.

Councilmember Ortiz reported residents have expressed concern with the narrow street and the parking of commercial vehicles on the street. She asked if approval of the request will help alleviate the problem.

Councilmember Hiller questioned why there was not stipulations placed on the property relating to parking and the appearance of the property.

Bill Fiander reported the applicant will have access to more onsite parking; and 85% of the site complies with and is compatible to the land use requirements so no additional landscaping will be required.

Mayor De La Isla 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 must state that this communication occurred and 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. The

record 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 Hiller.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Jensen 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. 20205 introduced by City Manager Brent Trout, imposing a real estate lien, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost of utility services where such payments to the City have not been made due to neglect, failure or refusal to pay was presented.

Brent Trout, City Manager, reported a revised ordinance has been distributed to the Governing Body removing 20 individuals that have recently paid their delinquent bills. He stated Braxton Copley, Deputy Director of Utilities was present to answer questions.

Councilmember Ortiz questioned the notification process and how long customers have to pay their bill.

Braxton Copley reported customers receive several notifications requesting payment before a real estate lien is imposed. He stated the City would accept payments until the close of business on September 30, 2019.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Jensen 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. 20206 introduced by Councilmembers Coen, Emerson and Jensen, sitting as the Policy and Finance Committee, amending, repealing and reorganizing certain chapters and sections of the Topeka Municipal Code in Title 2: Administration and Personnel; repealing Ordinance No. 16404 that adopted a personnel code; and rescinding Resolution Nos. 6448, 7758, 7985, 8235 and 8381 that amended the Personnel Code was presented.

Councilmember Coen, Policy and Finance Committee Chair, reported the ordinance was discussed at the September 10, 2019, Governing Body meeting and the Committee recommends approval as presented.

Councilmember Hiller thanked staff for their hard work on the personnel code. She asked what the anticipated timeline was regarding the revisions to the Human Relations Commission and Civil Service Commission sections.

Lisa Robertson, City Attorney, reported staff plans to meet with the Civil Service Commission twice a month, for the next couple of months, followed by a request from staff to send the revisions to the Policy and Finance Committee for review.

Councilmember Coen moved to adopt the ordinance. The motion seconded by Councilmember Jensen 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. 20207 introduced by City Manager Brent Trout, repealing the sign code in Chapters 18.10, 18.15, 18.20 and 18.25 in Division 2 of Title 18 of the Topeka Municipal Code (TMC) and establishing a new sign code in Chapter 18.10 was presented.

Brent Trout, City Manager, reported the proposed Sign Code represents the final of three “visual code” updates the Department has brought forth including the City’s first ever non-residential building design standards and enhanced landscape regulations.

Councilmember Jensen stated he would prefer to defer the ordinance one week to allow the Governing Body time to review the amendments distributed by Councilmember Hiller.

Councilmember Jensen moved to defer the ordinance one week. The motion was seconded by Councilmember Padilla.

Councilmember Hiller stated the amendments were not extensive in nature; however, if the Governing Body would prefer, she would be willing to discuss in further detail.

Katrina Ringler, Planning Commission Chair, spoke in support of the proposed ordinance and reported the Commission believes the ordinance as proposed was a good compromise for all involved.

Governing Body members expressed concern with deferring action on the ordinance and stated they would prefer to vote on each amendment separately before taking final action on the ordinance.

Councilmember Jensen withdrew the motion to defer the ordinance for one week. The second concurred.

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

Councilmember Lesser spoke in opposition of portable signs. He stated he believes the proposed date of October 1, 2021, eliminating the use of the signs is too long.

Councilmember Lesser moved to amend lines 991 and 994 of the ordinance to reflect a date of October 1, 2020. The motion seconded by Councilmember Emerson carried. Councilmember Ortiz voted “no.” (9-1-0)

Councilmember Hiller moved to amend lines 583-584 in Section 11 - Abandoned Signs as distributed. The motion was seconded by Councilmember Coen. The proposed amendment is underlined below:

Section 11.(b) a property owner shall either (i) remove an abandoned sign that has been located on the property for more than six months; or (ii) shall cover the sign unless the sign is conforming, safe, and in good condition pursuant to TMC 18.10.090. For the purpose of this section, "covered" shall mean all sign copy including graphics is rendered invisible by being painted over, removed, replaced, or shielded by a rigid and opaque material.

Councilmembers Mays, Coen, Lesser, Jensen and Clear expressed concern with allowing abandon signs to remain after a business has closed.

Councilmember Hiller stated the intent of the amendment was to ensure the aesthetics of the city are visually appealing to visitors as opposed to having a number of opaque signs displayed throughout the city.

The motion to amend lines 583-584 failed. Councilmembers Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla voted “no.” (1-9-0)

Councilmember Hiller moved to amend lines 977 and 987 of the ordinance as distributed. The motion was seconded by Councilmember Jensen. The proposed amendments are underlined below:

- Line 977 – Add an exception to the Yard Signs and Freestanding Banners Chart Standards to read, “Exception No. 4. Length of Time: Length of time can be either one time period of 60 days or four time periods of 30 days.”
- Line 987 – Add an exception to the Feather Signs Chart Standards to read, “Exception No. 3. Length of Time: Length of time can be either one time period of 30 days or four time periods of 15 days.”

Councilmember Jensen questioned how the proposed amendment would affect the regulation of feather flags (signs).

Bill Fiander reported the language would extend the time feather flags are allowed to be displayed.

Councilmember Lesser spoke in opposition of the amendment and stated he would prefer to completely prohibit the use of feather flags.

The motion to amend lines 977 and 987 of the ordinance failed. Councilmembers Clear, Padilla, Coen, Lesser and Mayor De La Isla voted “no.” (5-5-0)

Councilmember Mays moved to adopt the ordinance as amended. The motion seconded by Councilmember Lesser carried. Councilmember Ortiz voted “no.” (9-1-0)

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

DISCUSSION of proposed Neglected, Foreclosed and Vacant Property Registration Programs was presented.

Sasha Haehn, Director of Neighborhood Relations, reported staff was recommending the creation of three registration programs; Vacant, Neglected and Foreclosed. She stated staff has been working towards cultural transformation through many efforts and reported their Mission and Philosophy is to transform the maintenance of all Topeka neighborhoods from optional to required, with the goal of compliance through education and assistance. She reported the City will administer the Neglected Property Registration Program; and use an outside vendor for the administration of the Foreclosed and Vacant Property Registration Program.

Kevin Sidella, PROCHAMPS Director of Sales, reported programs would be customized for the City of Topeka. He expressed the importance of municipalities preparing for the impact of economic downturns and how foreclosures ultimately depress the housing market.

Councilmember Jensen questioned if property registration software would assist with staff efficiencies.

Mr. Sidella stated the software would be capable of supplying the City with live feeds in real time to support staff efficiencies when inspectors are in the field.

Councilmember Emerson questioned if the process would burden owners of neglected properties on a fixed income.

Sasha Haehn stated the proposed ordinance would include protective clauses that would exempt owners from property violation fees and allow them to create a feasible financial plan for repairs.

Councilmember Lesser expressed the importance of drafting an agreement that would protect the City against legal action that may occur as a result of the actions of the vendor.

Councilmember Hiller spoke in support of implementing the most cost effective solution and questioned if the property registration programs would add an unnecessary layer to the process already in place.

Sasha Haehn reported the property registration program service would streamline the process by notifying staff immediately of foreclosed properties instead of using valuable staff time to research the status of properties.

Brent Trout, City Manager, expressed the importance of implementing this administrative tool with the end goal of compliance.

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

Brenda Younger, City Clerk, gave a brief overview of the September 17, 2019, Governing Body agenda.

Brent Trout, City Manager, announced the 2nd Annual Topeka Landlord Expo would be held on September 14, 2019, and Clean Slate Day would occur on September 20, 2019, from 8:00 a.m. to 2:00 p.m. at the Topeka Performing Arts Center.

Mayor De La Isla thanked the 190th Air Refueling Wing for making her Honorary Commander for the day on September 11, 2019.

Councilmember Mays announced the Washburn University Republicans and Democrats organizations would be hosting an event at the college in honor of 9/11 victims on September 11, 2019.

Councilmember Coen announced Spin Pizza and Johnny's Tavern are now open in Wheatfield Village at SW 29th Street and Fairlawn Road. He noted PT's Coffee would be opening next.

Councilmember Lesser congratulated Greg Schwerdt for being awarded the 2019 Patron Award Winner by the Topeka Public Schools Foundation.

Councilmember Hiller announced the Aaron Douglas Art Fair would be held September 28, 2019, from 10:00 a.m. to 5:00 p.m. at the Aaron Douglas Art Park located at SW 12th Street and Lane; Tender Loving Care Pet Nursing Motel would hold a ground-breaking ceremony on September 10, 2019, from 11:30 a.m. to 12:30 p.m. at 2500 SW 17th Street; and the Brew Bank located at 822 S. Kansas Avenue opened September 9, 2019.

Councilmember Emerson announced a JEDO Board meeting would be held September 11, 2019, at 6:00 p.m.

Tamika Terry appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:57 p.m.

(SEAL)

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Brenda Younger  
City Clerk