

Governing Body Minutes – September 17, 2019

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, September 17, 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, Ortiz, Emerson, Padilla, Jensen, Mays, Coen and Lesser -8. Deputy Mayor Clear presided -1. Absent: Mayor De La Isla -1.

AFTER THE MEETING was called to order, Rachel Gardner, Worship Administrative Assistant, Topeka Bible Church, provided the invocation.

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

A PRESENTATION on the Housing Study Kick-Off was presented by Andy Pfister, Senior Associate, Development Strategies.

AN UPDATE on the Hazmat Commodity Flow Study was provided by Topeka Fire Chief Craig Duke.

Brent Trout, City Manager requested two items be added to the agenda pursuant to Governing Body Rule 5.2 and Topeka Municipal Code Section 2.15.040: (1) a resolution granting a noise exception; and (2) an ordinance repealing the language contained in Title 2 related to the police and fire pension funds.

Councilmember Emerson moved to approve addition of the resolution and ordinance to the agenda. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

Deputy Mayor Clear announced the resolution would be added to the consent agenda as Item 4D and the ordinance would be added to the agenda under Action Items as Item 5A.

BOARD APPOINTMENT recommending the reappointment of Sharon Bedolla to the Shawnee County Juvenile Corrections Advisory Board for an unexpired term ending August 17, 2022, was presented.

Councilmember Lesser moved to approve the board appointment. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20208 introduced by Councilmember Karen Hiller, designating a portion of the Crosby Place Parking Garage as temporarily exempt from the provisions of K.S.A. 41-719(d) and TMC 9.15.020(e) for a special event known as Taste from the Top was presented.

MINUTES of the regular meeting of September 10, 2019, were presented.

RESOLUTION NO. 9147 introduced by Councilmember Sylvia Ortiz, granting Agustin Munoz an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

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

ORDINANCE NO. 20209 introduced by City Manager Brent Trout, repealing Sections 2.140.160 through 2.140.290 of the Topeka Municipal Code related to Police and Fire Pension Funds was presented.

Lisa Robertson, City Attorney, referenced City of Topeka Ordinance No. 20206 relating to the Personnel Code approved by the Governing Body on September 10, 2019, and stated there was an oversight relating to the intended repeal of Article IV of Chapter 2.140 concerning police and fire pension funds. She reported the underlying recommendation for repeal was based upon the fact that the two pension funds no longer exist, as all police and fire personnel are now covered under the Kansas Police and Firemen's Retirement (KP&F) System.

Deputy Mayor Clear asked if there was anyone present who would like to speak to the matter. No one appeared.

Councilmember Jensen moved to adopt the ordinance. The motion seconded by Councilmember Lesser 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.

DISCUSSION related to the Central Park Neighborhood Plan as an element of the Comprehensive Plan was presented. (CPA19/01)

Dan Warner, Comprehensive Planning Manager, provided an overview of the Central Park Neighborhood Plan including the history of the neighborhood; SORT process; Health Map; Housing Conditions; Future Land Use and Target Areas.

Councilmember Hiller commended staff and the Central Park Neighborhood Improvement Association for collaborating together on the plan.

DISCUSSION concerning parking of vehicles on residential property was presented.

Brent Trout, City Manager, reported the proposed revisions contain an added definition for “paved or graveled area” in an effort to more clearly define the type of surface that will be deemed compliant with the underlying intent; as well as an added definition for “driveway.” He stated the proposed revisions would exempt driveways from the restrictions contained in Section 10.60.210 and other revisions would identify the Topeka Police Department as the primary enforcement authority.

Councilmember Ortiz asked if commercial parking lots could be included in the ordinance.

Councilmember Jensen questioned if the type of material used would be regulated.

Councilmember Hiller referenced the variety of pavers being used by residents and stated quality can be bad with any material, vegetation can grow on any surface and permeable surfaces need to be addressed in the ordinance. She commented on the suggestion of four to six inches of

gravel which has been a helpful guide to residents in the past even if through an administrative process; however, she wants to ensure all changes are in sync with all applicable codes. She spoke in support of the enforcement language and definition of vehicles in the proposed ordinance. She distributed a handout of suggested amendments.

Brent Trout stated staff will observe and consider commercial properties to make the determination for a course of action. He noted the proposed language has been presented to accommodate observation from the street for inspectors.

Luther Ganieany, Police Legal Counsel, stated clarification of the language makes it easier to enforce for an officer and/or inspector to verify the condition from a public place. He noted the depth requirements would require entry on private property in order to observe a violation which could present an issue.

Councilmember Emerson asked if the City could require property owners to obtain a permit to expand driveways to meet certain standards.

Brent Trout stated it may be something to consider and noted he has recently had discussions with staff regarding driveway permits and the costs.

Deputy Mayor Clear asked if the City could include language to implement a “suggested guideline” regarding the four to six inches of gravel needed. She spoke in opposition of listing a variety of materials that could be used and stated she believes this language should be specific.

Councilmember Hiller stated she is open to suggestions and spoke in support of language such as “permeable and/or green material.”

Councilmember Mays stated he believes the proposed language covers suggested changes by Councilmember Hiller regarding “permeable material.”

Councilmember Emerson expressed concern with individuals who could not afford to fix their driveway and questioned if there are other ways to address the problem without affecting property owners on low or fixed incomes.

Brent Trout stated the proposed language was intended to focus on the property owners that park on unimproved surfaces instead of using their driveway.

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

Brent Trout, City Manager, announced the next Governing Body meeting would be held on October 8, 2019, and highlighted the preliminary agenda.

Councilmember Coen announced an Oktoberfest Celebration would be held on September 28, 2019, at Fairlawn Plaza.

Councilmember Hiller encouraged everyone to visit Topeka365.com for events happening all over Topeka in the next couple weeks.

Clark Trammell and Joseph Ledbetter appeared to speak under public comment.

Councilmember Ortiz moved to recess into executive session for a period of time not to exceed 15 minutes to discuss the acquisition of real property necessary for the reconstruction of SW 10th Avenue from Fairlawn to Wanamaker, as justified by K.S.A. 75-4319(b)(6). In order to aid the discussion, the following individuals should be present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Administrative and Financial Services Director, Jessica Lamendola; Public Works Director, Jason Peek; and City Attorney Lisa Robertson.. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

Following a 15-minute time period, the Governing Body reconvened into open session and Deputy Mayor Clear announced no action was taken.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 20 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters related to potential litigation, as justified by K.S.A. 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Administrative and Financial Services Director, Jessica Lamendola; Police Chief, Bill Cochran; Chief of Litigation, Shelly Starr; John Frieden; Kevin Fowler; Jeff Reeves; and City Attorney Lisa Robertson. The motion seconded by Councilmember Jensen carried. Councilmember Coen was out of the room. (8-0-0)

Councilmember Coen entered the room.

Following a 20-minute time period, the Governing Body reconvened into open session and Deputy Mayor Clear announced no action was taken.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 15 minutes to continue consultation with the City's legal counsel to discuss attorney-client privileged matters related to potential litigation, as justified by K.S.A. 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Administrative and Financial Services Director, Jessica Lamendola; Police Chief, Bill Cochran; Chief of Litigation, Shelly Starr; John Frieden; Kevin Fowler; Jeff Reeves; and City Attorney Lisa Robertson. The motion seconded by Councilmember Coen carried unanimously. (9-0-0)

Following a 15-minute time period, the Governing Body reconvened into open session and Deputy Mayor Clear announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:20 p.m.

(SEAL)

Brenda Younger
City Clerk