

Governing Body Minutes – October 15, 2019

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, October 15, 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, Coen and Lesser -7. Mayor De La Isla presided -1. Council District No. 7 – Vacant. Absent: Councilmember Jensen -1.

AFTER THE MEETING was called to order, Ben Friesen, Cornerstone Community Church, provided the invocation.

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

A PRESENTATION on the City of Topeka 2019 Clean Slate Day was provided by Lori Dougherty-Bichsel, Topeka Municipal Court Judge.

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20215 introduced by City Manager Brent Trout, authorizing initiation of eminent domain proceedings to acquire easements for the reconstruction of SW 10th Avenue from Fairlawn to Wanamaker to include utility improvements: Project Nos. T-701015.00 and T-281161.02 was presented.

RESOLUTION NO. 9150 introduced by Councilmember Brenden Jensen, granting Community Church 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 October 8, 2019, was presented.

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

APPROVAL of funding recommendations by the Alcohol and Drug Abuse Advisory Council

in the amount of \$626,000 for the 2020 Special Alcohol Fund was presented.

Brent Trout, City Manager, reported staff recommends the Governing Body approve the 2020 Special Alcohol Fund grant recommendations as provided by the Alcohol and Drug Abuse Advisory Council.

Councilmember Clear moved to approve the 2020 Special Alcohol Fund allocation in the amount of \$626,000. The motion seconded by Councilmember Padilla carried unanimously.

(8-0-0)

PUBLIC HEARING NOTICE

PUBLIC HEARING regarding the establishment of the Dynamic Core Redevelopment District was presented.

Doug Gerber, Deputy City Manager, provided an overview of the purpose of a Tax Increment Financing (TIF) District and the pros and cons in establishing a TIF district. He noted once the TIF District was established, a project plan would have to be presented and approved by the Governing Body before the project could move forward. He stated staff was requesting to recess the Public Hearing until December 3, 2019, to allow additional time to discuss concerns raised by citizens and business owners.

Vince Frye, Downtown Topeka, Inc., spoke in support of the TIF District. He stated Topeka Public Schools has expressed concern with the impact of the proposed district. He reported they would not move forward with the proposal without the support of the school district.

Will Pope spoke in opposition of establishing a TIF District. He referenced the negative impact TIF districts have had in Chicago, Illinois, and the lost revenue that could have been used for needed community services and public schools.

Denise Bower expressed the importance of the City working with all business owners and citizens located in the proposed District not just those located in the downtown area.

Councilmember Jensen entered the room.

Michelle Hoper asked if the funds could be used to create a land bank; if TIF District regulations would encroach on tax rebates; and if TIF regulations would have an effect on street projects funded by sales tax funds. She suggested establishing a smaller TIF District and enlarge the area as specific projects are proposed.

Sandra Penner expressed concern with continued low property values in the proposed district and if citizens would be provided legal representation from the City as the project moves forward. She expressed the importance of the City concentrating on decreasing crime instead of proposed economic development.

Forrest Sherwood expressed concern with the City initiating eminent domain and the importance of protecting local business owners.

Robert Cunningham asked the City to assist property owners as much as possible and treat them fairly.

Upon no one else appearing, Councilmember Hiller moved to recess the public hearing until December 3, 2019. The motion was seconded by Councilmember Emerson.

Councilmember Emerson asked staff to work with business and residential property owners as much as possible to avoid unnecessary hardships.

Councilmember Hiller encouraged any citizens who would like to conduct a meeting to learn more about overall development in and around the downtown area to contact her.

The motion to recess the public hearing until December 3, 2019 carried unanimously. (9-0-0)

ORDINANCE NO. 20216 introduced by City Manager Brent Trout, concerning hazardous material and civil emergencies, amending City of Topeka Code Sections 2.55.020 and 2.55.030 and repealing Section 2.55.010 was presented.

Brent Trout, City Manager, reported the ordinance was discussed at the October 8, 2019, Governing Body meeting and staff was recommending approval as proposed.

Councilmember Hiller asked staff to make every attempt to recoup true costs to the City.

Councilmember Emerson 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, Coen, Lesser and Mayor De La Isla -9.

ORDINANCE introduced by City Manager Brent Trout, creating a new Chapter 8.65 of the Topeka Municipal Code requiring registration of vacant properties and properties that are the subject of mortgage foreclosure proceedings was presented.

Brent Trout, City Manager, stated staff was recommending that approval of the ordinance be followed by the Request For Proposal (RFP) process administered by the City's Contracts and Procurement Division. He noted the anticipated selection would ideally occur by the end of 2019 or early 2020 with the roll-out of the Registration Program being in the first quarter of 2020. He asked the Governing Body to present any issues or questions they would like addressed.

Pat DeLapp expressed concern with the lack of ability by City staff to obtain property owner information and asked the City to employ a certified real estate officer. He also expressed concern with the language of the ordinance and implementing a property registration tax that has failed in other communities.

Clark Trammell spoke in support of structuring the program effectively and defining what needs to be accomplished so vital information can be used to create an overall inventory of city-

wide properties. He suggested hiring a real estate professional to help accomplish what needs to be done.

Joseph Ledbetter commended staff for defining the terms of the ordinance. He stated he believes property information in regards to financing institutions are available online. He asked how much the program would cost the City overall in order to determine the registration fee.

Councilmember Hiller stated it was her understanding the problem was foreclosed properties and who owns them. She expressed concern with the percentage of properties in Topeka that would meet the definition of a vacant property; proposed fines as well as many other requirements that she believes is unreasonable and would not work. She expressed the importance of understanding the problem and finding a solution.

Councilmember Clear commended the City Manager for working towards a solution.

Councilmember Jensen commended staff for working to create solutions to address vacant properties.

Councilmember Lesser stated he concurs with Councilmember Clear; however, he believes there is additional work that needs to be done to move forward and handle vacant properties.

Councilmember Ortiz suggested implementing an affordable registration fee for low-to-moderate income individuals and require an update on the property every 60 days (instead of the proposed 30 days).

Councilmember Padilla expressed the importance of having a policy in place the City could use to address the safety and appearance of the community.

Councilmember Emerson expressed concern with approving the ordinance as written and the negative ramifications and unintended consequences that could transpire. He questioned if the proposed ordinance should be sent to committee for further review.

Sasha Haehn, Department of Neighborhood Relations Director, reported the proposed ordinance would give staff the ability to address vacant and foreclosure properties with the goal of dealing with blight. She noted banks would respond to a financial incentive to move properties and fill vacant homes; and the program would in no way target seasonal homeowners. She reported staff utilizes the Shawnee County Appraiser's website as well as various foreclosure sites; property inspectors speak with neighbors as they are a good resource. She stated voluntary compliance continues to be their goal and they will work on clarifying the language to make the intent of the ordinance clear.

Councilmember Ortiz moved to defer the ordinance until November 19, 2019. The motion was seconded by Councilmember Jensen.

Betty Allen, Shawnee County Landlord Association President, spoke in support of drafting a policy that works. She expressed her appreciation for including landlords in the discussion and requested that the Shawnee County Landlord Association be included in committee meetings.

The motion to defer the ordinance until November 19, 2019 carried unanimously. Mayor does not vote. (8-0-0)

Councilmember Lesser left the meeting.

APPROVAL of proposed revision to Governing Body Rule 5.3, entitled "Agenda Contents" was presented.

Brent Trout, City Manager, reported staff was proposing that Governing Body Rule 5.3 be revised for purposes of changing the order in which the agenda is presented for regular Governing Body meetings.

Joseph Ledbetter questioned the reason for the change. He stated he believes the order currently works well for meetings.

Councilmember Ortiz spoke in opposition of placing Public Comment before Announcements and believes there is not a need to change the order of the agenda.

Councilmember Clear moved to approve the revision to Governing Body Rule 5.3. The motion seconded by Councilmember Jensen carried. Councilmember Ortiz voted “no.” (7-1-0)

UPDATE on staff action regarding the Governing Body Goals and Priorities was presented.

Brent Trout, City Manager, stated the document provided in the Governing Body meeting packet includes an update on the third quarter activities related to the Governing Body’s 2018-2019 Strategic Goals and Priorities established in April 2018.

Councilmember Clear expressed concern with “Community Issues To Watch And Support For Governing Body.” She stated she would like to see more effort being made with elementary and middle schools and questioned how staff plans to address the issue.

Mayor De La Isla reported she attended a meeting with Dr. Tiffany Anderson, Topeka Public Schools Superintendent, to create a plan to meet with elementary schools and update scores listed on Zillow who partners with the GreatSchools organization.

Bill Cochran, Topeka Police Chief, provided an overview of the outreach programs initiated over the last two years by the Police Department. He reported the purpose of the programs is to develop and build relationships to help the schools and kids succeed by encouraging students to stay in the community and possibly work as a police officer.

Mayor De La Isla referenced the goal of “Rebranding the City” and the recent creation of a new city flag design. She requested a resolution be placed on a future agenda to adopt the new flag design.

Joseph Ledbetter encouraged the Governing Body to offer incentives to build within city limits. He expressed concern with Topeka Public Schools closing elementary schools; keeping

the water and sewer rates as low as possible to keep rates competitive for large companies; improve productivity in the Street and Water Departments and synchronize traffic lights.

DISCUSSION on Downtown Comprehensive Parking Plan status update and vendor demonstration of new parking management technology was presented.

Jason Peek, Public Works Director, thanked staff for helping streamline the current downtown parking systems and moving the City forward with modernizing parking operations. He reported staff has met with downtown business owners and plans to meet with downtown residents for their input.

Kelsey Owens, Passport Parking, and Jim Taylor, McKay Meters, provided an overview and demonstration of the pay station, smart meters, mobile pay application and enforcement software.

Jason Peek stated the modernization of parking meters would happen in phases including mobile only parking zones.

Brent Trout, City Manager, reported staff plans to discuss projections for parking revenue, costs of service and anticipated funding gap to modernize parking operations as well as seek feedback from the Governing Body on changes to garage and meter rates, re-instating pay parking on S. Kansas Avenue and side streets and other policy decisions.

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

Brent Trout, City Manager, announced the League of Kansas Municipalities presented the City of Topeka a Public Safety award for the Team up to Clean Up Program and a Youth Engagement Program award for the Topeka Zoo's Teen Camp. He asked Governing Body members if the next parking discussion should take place during a Work Session on October 17,

2019, or at the Governing Body meeting on November 12, 2019. He requested Governing Body members email him their preference.

Mayor De La Isla thanked the North Topeka Neighborhood Improvement Association and the volunteer committee for engaging the community and going door-to-door to visit with citizens.

Councilmembers Coen and Clear encouraged citizens to vote in the upcoming November 5, 2019 election.

Councilmember Ortiz announced October was Fire Prevention Month and encouraged citizens to participate in the Free Smoke Alarm Program offered by the Topeka Fire Department.

Councilmember Jensen reported he attended the 2019 League of Kansas Municipalities Conference where good information was discussed. He expressed his appreciation for the opportunity to attend.

Clark Trammell appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:11 p.m.

(SEAL)

Brenda Younger
City Clerk