

## **Council Minutes – January 12, 2016**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 12, 2016. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Clear, Ortiz, Schumm, De La Isla, Jensen, Schwartz and Coen -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Harmon -1.

AFTER THE MEETING was called to order, Mayor Wolgast asked for a moment of silent meditation.

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

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the reappointment of Deborah Swank to the Topeka Sustainability Advisory Board for a term ending February 28, 2018, was presented.

BOARD APPOINTMENT recommending the reappointment of David Heit to the Topeka Landmarks Commission for a term ending February 1, 2019, was presented.

BOARD APPOINTMENT recommending the reappointment of Richard Beardmore to the Board of Mechanical Examiners Appeals for a term ending February 1, 2018, was presented.

MINUTES of the regular meeting of January 5, 2016, was presented.

A Cereal Malt Beverage License application for Haag's Express located at 1001 SW Wanamaker Road was presented.

Councilmember De La Isla moved to approve the consent agenda. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted "yes." (9-0-0)

DISCUSSION regarding the Housing Tax Credit program administered by the Kansas Housing Resources Corporation was presented.

Jim Colson, City Manager, reported there would be two resolutions of support for Johnston Village and Ybarra Estates II presented for consideration at the January 19, 2016 Council meeting for low income housing tax credits.

Sasha Haehn, Department of Neighborhood Relations Director, gave a brief overview of the Housing Tax Credit Program in Kansas administered by the Kansas Housing Resources Corporation (KHRC).

Mayor Wolgast noted there are low income housing units located throughout the city with Council District Nos. 1, 3 and 7 having the most units.

Councilmember Ortiz commended Topeka Housing Authority (THA) for doing great work on the landscaping and maintenance of their units and the current Ybarra Place. She stated she looks forward to a new location of low income housing at SE 21<sup>st</sup> Street and SE Golden Avenue and how it would enhance the area. She commented on the need to replace Pine Ridge Apartments in the near future.

Councilmember Jensen commended THA for their efforts in empowering the community and providing affordable housing.

Councilmember Hiller noted the majority of tax credit properties in Topeka are owned by private developers.

DISCUSSION concerning seizure and impoundment of uninsured motor vehicles was presented.

Councilmember Schwartz summarized the information she has researched as follow-up from discussion on the matter at the August 4, 2015 Council meeting. She distributed a handout regarding other cities that ticket uninsured drivers and tow vehicles. She also referenced information provided by Topeka Police Chief James Brown outlining proposed ordinance

provisions and reported she has spoke with Topeka Metro representatives in regards to creating a program that would provide rides to uninsured motorists.

Jim Colson, City Manager, commented on the need to discuss the financial impact to the City to determine the best policy and how the Governing Body would like to proceed on the matter.

James Brown, Topeka Police Chief, provided a brief overview of the effect on the Topeka Police Department's impound lot including manpower allocation for impound operations costing approximately \$40,000 per year for one additional full-time employee.

Mayor Wolgast asked how long vehicles can be impounded.

James Brown reported the timeframe varies; however, most vehicles are impounded for a short period of time.

Councilmember Clear asked if the proposal would reduce citations and tows per month.

James Brown reported they could expect to reduce the amount of citations and tows due to the consequences in the proposal.

Councilmember Ortiz asked how long a vehicle could legally be impounded.

Darrin Scott, Topeka Police Major stated vehicles can legally be impounded up to 90 days or longer depending on the circumstances.

James Brown stated the impound lot would have to have the capacity to hold 300 vehicles if the proposed ordinance is approved.

Jim Colson reported City staff has identified possible land acquisition and location with a possible financial impact of approximately \$200,000.

Councilmember Jensen questioned how proof of insurance documentation could be addressed and noted he believes the issue could be addressed in the ordinance.

Councilmember De La Isla stated she has several concerns with the proposal; however, the Governing Body must consider the long-term consequences of individuals that are not causing the issues associated with being uninsured. She reported 1) the State of Kansas already has laws in effect to regulate uninsured vehicles; 2) the proposal would have an effect on more people than those causing the problem; 3) the proposal would cost the City approximately \$200,000 and would not necessarily solve the issues; and 4) the City cannot expect the bus transportation system to absorb the cost and may add the burden of providing transportation for an open-ended timeframe.

Councilmember Schumm questioned the legal process of logging and seizing contents in vehicles and how much time it takes a police officer to catalogue the items.

James Brown stated the owner and/or operator of the vehicle would have the opportunity to remove all personal items from the vehicle before it is towed and if that is not possible the police officer would catalogue the items in the vehicle and the items would stay with the vehicle while impounded.

Councilmember Schwartz stated discretion would be given to the police officer regarding impounding of uninsured vehicles. She questioned if the impound lot would have to expand in the near future because it is currently at capacity already.

James Brown stated expanding the impound lot is an issue that will need consideration in the very near future as the community grows.

Councilmember Clear spoke in opposition of continuing to allow people to drive uninsured and stated this matter affects everyone in the community.

Councilmember Jensen stated he would prefer the State handle the issue and regulate insurance costs to be affordable for everyone. He commented on discussing ideas to make

streets safer and educating people on obtaining vehicle insurance. He noted he believes poverty in the community is a much larger issue and requested a poverty level comparison be done on the communities listed in the handouts that have put the proposal in effect.

Councilmember Hiller stated she appreciates the discussion and consideration by the Governing Body on more broad issues; however, she would prefer consideration be given to all options. She requested City staff research the number of impounded vehicles to see if there has been an increase in the communities listed in the handouts. She also commented on the location of the impound lot and whether more research is needed to possibly contract an outside party to own and maintain an impound lot.

Councilmember Schumm stated he believes the proposal would unfairly affect lower income people due to the overall financial loss of their vehicle compared to those that have the means to pay the fines and towing fees.

Councilmember Jensen suggested researching a way to effectively address the issue that doesn't involve impounding vehicles.

Councilmember De La Isla expressed concern with putting officers in a difficult situation and questioned what problem the proposal would address in the community and what solutions can the Governing Body work on to find a resolution.

Councilmember Schwartz questioned if the City is liable if a police officer stops an individual, allows them to drive away knowing they are uninsured and later that individual is involved in an accident.

James Brown reported he would refer Councilmember Schwartz's concern to the City's legal department to look into the matter and research if there would be any legal ramifications.

Jim Colson confirmed City staff has drafted an ordinance; however, a request has been made for additional research; therefore, he requested a timeframe to bring the issue back before the Governing Body.

Councilmember Schwartz stated she would conduct additional research to answer the questions and concerns of the Governing Body.

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

Brenda Younger, City Clerk, gave a brief overview of the January 19, 2016 Council agenda.

Jim Colson, City Manager, announced the Swearing In Ceremony of Jason Geier, City Municipal Administrative Judge would be January 19, 2016 at 5:45 p.m. in the City Council Chambers. He challenged the Governing Body to participate in the Special Olympics Kanas Polar Plunge & Strut event on February 6, 2016, at Lake Shawnee Swim Beach.

Councilmember Hiller announced Stormont Vail Healthcare opened their Orthopedic and Sports Medicine Clinic last week in the Kansas Science Park. She stated Stormont Vail Healthcare will be partnering with Topeka Public Schools for student opportunities at the new clinic.

Councilmember Jensen commented on the Heartland Visioning Steering Committee meeting he attended on January 8, 2016, and the constructive discussions regarding attracting people to the Topeka community. He encouraged the Governing Body as well as citizens to attend the Steering Committee meetings held every second Friday of each month at 7:30 a.m. at the Washburn Institute of Technology Basement Testing Center located at 5724 SW Huntoon Street.

Councilmember Schwartz reported statistics provided by the Topeka Multiple Listing and Housing Service and noted Topeka is doing well in the housing market. She commended area

developers and realtors for their work in the community. She announced Friends of the Topeka Zoo has scheduled a Pancake Feed and Meeting on January 16, 2016, starting at 8:30 a.m. She also announced this week's "gem" of Topeka is Topeka Police Chief James Brown, the Topeka Police Department and the Animal Control Division.

Mayor Wolgast commented on the tremendous support of Islamic citizens offered by the community. He encouraged citizens to attend the many events celebrating Martin Luther King, Jr., throughout the week and noted the Dr. Martin Luther King Jr. Scholarship and Awards Banquet would be held at the Ramada Hotel and Convention Center on January 16, 2016 at 6:00 p.m.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:28 p.m.

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Brenda Younger  
City Clerk