

Council Minutes – October 14, 2014

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 14, 2014. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Brown, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Councilmember Ortiz gave the invocation.

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

Jim Colson, City Manager, reported as a City, we continue to look for ways to address abandoned housing in a manner that does not allow continued blight and degradation. He introduced Whitney Damron, P.A., and City of Topeka Lobbyist. He stated Mr. Damron would provide a briefing on the abandoned housing issue and an overview of the State's budget projections, important issues that need to be considered as they move forward with drafting the City of Topeka's 2015 Legislative Agenda.

A PRESENTATION on the 2015 Legislative Update was provided by Whitney Damron, P.A., City of Topeka Lobbyist. He discussed specific items the City should keep in mind while crafting the City's 2015 Legislative Agenda including House Bill 2075 concerning abandoned housing and highlights of the State of Kansas budget projections.

Mayor Wolgast noted abandoned housing is not just an urban issue it affects all size of communities. He stated he believes it is an important issue that should be included in the City's 2015 Legislative Agenda.

Councilmember Hiller asked if the League of Kansas Municipalities (LKM) research team could provide information or help research how other communities are dealing with the issue.

Whitney Damron stated there is not a study specifically relating to the matter; however, LKM provides a good platform for discussion on the topic with people who know firsthand of these issues. He encouraged the Governing Body to give thought to tools the City may already possess to help solve the issues as opposed to using the Legislature.

Councilmember Schwartz asked if LKM has reached out to other capital cities, as well as, members of the Legislature for their ideas on the matter.

Jim Colson commended City staff in organizing the abandoned home tour conducted on October 10, 2014. He expressed the importance of understanding the distinction between vacant and abandoned properties and he believes the tour, as well as, the discussions that followed provided a better understanding of the issue at the State and local level. He reported the City would conduct an analysis on the impact the State's budget projections could have on the City's budget and report back to the Council.

Councilmember Schmidt expressed concern with State budget cuts and the effect it would have on Topeka compared to other communities due to many State employees that also reside in Topeka. He asked when notification would be sent in regards to the State budget reflecting a negative balance.

Whitney Damron reported those types of financial notifications are released when the State of Kansas Budget Director certifies the budget to the Governor.

Jim Colson, City Manager, reported the proposed ordinance regarding utility rates was pulled from the Council agenda. He stated the ordinance would remain off the agenda until further notice to provide an opportunity for the Governing Body to continue discussions on the matter.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of October 7, 2014, was presented.

Councilmember De La Isla moved to approve the consent agenda. The motion seconded by Councilmember Schmidt carried unanimously. (9-0-0)

ORDINANCE NO. 19923 introduced by City Manager Jim Colson, 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 3900, 3904, 3908, 4000 and 4004 SW 29th Street; 2809, 2813, 2817 and 2821 SW Gage Boulevard; and 4025, 4021, 4017 and 4013 SW 28th Terrace, all contained at the northwest intersection of SW 29th Street and SW Gage Boulevard from “R-1” Single-Family Dwelling District TO “PUD” Planning Unit Development District (“C-2” Commercial District) was presented. (*PUD14/3*)

Jim Colson, City Manager, reported approval would allow for a new 14,280 square foot Walgreens store to be developed on the northwest corner of SW 29th Street and SW Gage Boulevard.

Bill Fiander, Planning Department Director, gave a brief overview of the process which started in May 2014, with revisions made to the final application that address (1) safety - by making sure the driveways are located as far as possible (300 feet) from the intersection of SW 29th Street and SW Gage Boulevard, (2) buffering - by adding green space for a pocket park to create a more cohesive residential appearance along SW 28th Terrace; and (3) mobility - by including an additional bus stop, wider sidewalks and pedestrian lighting in the area. He stated there are currently commercial developments located at three of the four corners of this intersection comprising of only 11 acres of land area; therefore, rezoning the subject property for commercial would complete the commercial node and locate the most intensive uses closest to the intersection which is consistent with the policies in the Comprehensive Plan. He reported the

existing single-family residential land uses fronting the major commercial intersection are not sustainable as property values; housing maintenance and public safety have all suffered over time as the traffic impacts and commercial intensity surrounding these properties have grown; and the footprint includes the necessary easements to make street improvements when needed in the future.

Mayor Wolgast thanked Planning staff for the detailed information provided on the zoning case and commended them for requiring green space that fits well with the character of the neighborhood.

Councilmember Harmon stated in forecasting his vote he has read the proposed ordinance; City of Topeka Summary Report prepared subsequent to September 22, 2014; the City of Topeka Planning Department Zoning Report dated September 22, 2014; as well as, the Topeka Planning Commission Minutes, reviewed all the evidence in the context of the *Golden vs. City of Overland Park* factors and *Taco Bell vs. City of Mission* factors. He stated he believes this is an appropriate rezoning application to satisfy the guidelines of the Kansas Appellate Court.

Mayor Wolgast reported because a protest petition was filed against the zoning case, all Governing Body members must be present to vote and approval requires three-fourths majority vote or eight (8) affirmative votes of the Governing Body.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Harmon carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Brown, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt, Harmon and Mayor Wolgast -10.

ORDINANCE NO. 19924 introduced by City Manager Jim Colson, 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 six properties located along the east side of the 100 block of NE Lime Street from “I-2” Heavy Industrial District TO “R-2” Single-Family Dwelling District was presented. (Z14/9)

Jim Colson, City Manager, reported approval would change the zoning for several lots on NE Lime Street from heavy industrial to residential to reflect the existing single-family dwelling district in the area.

Bill Fiander, Planning Department Director, stated the next three zoning cases reflect corresponding neighborhood plans. He gave a brief overview of the zoning application requesting to amend the district zoning classification from heavy industrial district to single family dwelling district on multiple properties located at 112, 118, 120, 122, 124 and 132 NE Lime Street in the Oakland neighborhood. He reported Planning staff has recommended approval of the zoning case.

Councilmember Brown moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Brown, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt, Harmon and Mayor Wolgast -10.

ORDINANCE NO. 19925 introduced by City Manager Jim Colson, 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 a property located at 844 NE Quincy Street in the Historic North Topeka East neighborhood from “X-2” Mixed Use District TO “OS-1” Open Space District was presented. (Z14/10)

Bill Fiander, Planning Department Director, reported approval would amend the district zoning classification from mixed use district to open space district on property located at 844 NE

Quincy Street in the Historic North Topeka East neighborhood. He stated when updating the area's Future Land Use Plan, it was discovered that Veterans Park located at 844 NE Quincy Street was zoned as part of a mixed use district rather than an open space; therefore, Shawnee County Parks and Recreation Department was contacted about the discovery and agrees to the rezoning. He reported Planning staff has recommended approval of the zoning case.

Councilmember Manspeaker questioned what potential uses would come from an open-space designation; and what was the intended purpose of rezoning the area.

Bill Fiander stated potential open space uses could include parks, cemeteries, detention areas or any use that preserves the open space with single-family residence being the most intense use. He reported the purpose of rezoning is to protect the property for use of open space or park space.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Brown carried unanimously. Mayor Wolgast voted "yes." (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Brown, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt, Harmon and Mayor Wolgast -10.

ORDINANCE NO. 19926 introduced by City Manager Jim Colson, amending the "District Map" referred to and made a part of Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on an unaddressed property located on the east side of the 800 block of NE Monroe Street, approximately 100 feet from the intersection of NE Laurent and NE Monroe in the Historic North Topeka East neighborhood from "R-4" Manufactured Home District TO "X-2" Mixed Use District was presented. (Z14/11)

Bill Fiander, Planning Department Director, reported staff noticed the parcel located on NE Monroe Street had not been downzoned with the surrounding neighborhood in 2000 when

updating the area's Future Lane Use Plan; therefore, to keep the parcel uses consistent with the surrounding neighborhood and properties the current owner has agreed to amend the zoning to mixed use district classification. He reported the Planning staff has recommended approval of the zoning case.

Councilmember Brown moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Wolgast voted "yes." (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Brown, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt, Harmon and Mayor Wolgast -10.

A cereal malt beverage license application for Hooters located at 6100 SW 10th Street was presented.

Councilmember Schmidt moved to approve the cereal malt beverage license application as presented. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted "yes." (10-0-0)

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

Brenda Younger, City Clerk, provided an overview of the October 21, 2014, preliminary Council agenda.

Jim Colson, City Manager, commended Mayor Wolgast on being elected as Vice President of the League of Kansas Municipalities Governing Body.

Mayor Wolgast stated he looks forward to serving as Vice President of the League of Kansas Municipalities Governing Body. He announced the City of Topeka would host the 2015 League of Kansas Municipalities Fall Conference and he looks forward to the opportunity to showcase the city.

Councilmember Ortiz announced Christmas in Action Topeka, Inc., is taking applications for their 2015 project day which repairs homes for low-income, elderly homeowners. She stated people that are interested in more information can call 272-0749. She reported she attended the Topeka Fire Department's Open House and met their new fire dog, Webster and toured the new training facility. She reminded the community that October is Breast Cancer Awareness Month, as well as, Fire Awareness Month. She also announced cleanup efforts would take place in the East North, East South and East End Topeka neighborhoods on October 18, 2014.

Councilmember Everhart commended the Topeka Fire Department for hosting the annual Topeka Fallen Firefighters Memorial Ceremony on October 11, 2014, honoring public servants. She reminded citizens to keep public servants in their hearts and minds regarding the hard work they do in the community.

Councilmember Manspeaker expressed concern with temporary signs in public easements, specifically those placed by commercial businesses. He reminded business owners to follow sign regulations, as well as, the importance of keeping neighborhoods and public easements clean.

Councilmember Schwartz commended the Greater Topeka Chamber of Commerce for hosting the Women's Initiative Recognition Reception on September 30, 2014 which recognized women who have made significant contributions to the community. She encouraged families to attend the Boo at the Zoo event at the Topeka Zoo on October 18 and 25, 2014 from 9:00 a.m. to 3:00 p.m.

Councilmember Harmon congratulated Mayor Wolgast on being elected to serve as the Vice President of the League of Kansas Municipalities Governing Body.

Councilmember Hiller commented on the Greater Topeka Chamber of Commerce's Women's Initiative Recognition Reception on September 30, 2014 and stated there were many new faces at the event which provides a great networking opportunity. She announced Topeka's 3rd Annual Dia de los Muertos Citywide Festival occurs October 3rd through November 3rd and encouraged the community to participate in the many events happening throughout the month.

Councilmember Brown reported he attended Topeka's 3rd Annual Dia de los Muertos Citywide Festival Parade on October 11, 2014; as well as, the Topeka Fire Department's Open House and annual Topeka Fallen Firefighters Memorial Ceremony, all great events. He stated he was able to tour the new burn building which is a great training opportunity for Topeka firefighters. He announced the Shawnee County Solid Waste Department is hosting a free disposal for Shawnee County residents of up to five tires on October 18, 2014 from 9:00 a.m. to 1:00 p.m. at the Shawnee County North Annex located at 1515 NW Saline. He also announced the Oakland Neighborhood Improvement Association meeting would be held on October 20th at 6:30 p.m. at the Oakland Community Center located at 801 NE Poplar Street; and a presentation on the Topeka Bike Share Program hosted by Work Well Shawnee County would be held on October 22nd from 3:00 p.m. to 4:00 p.m. at the Downtown YWCA.

Joseph Ledbetter appeared to speak under public comment.

At 7:15 p.m., Councilmember Ortiz moved to recess into an executive session to discuss potential litigation for a time period not to exceed 20 minutes and to include the Governing Body, City Manager, City Attorney and Director of Administration and Financial Services. The motion seconded by Councilmember Harmon carried unanimously. (9-0-0)

At 7:35 p.m., the Council convened into open session with no action taken.

Councilmember Ortiz moved to recess into an executive session to continue discussion on potential litigation for a time period not to exceed 15 minutes and to include the Governing Body, City Manager, City Attorney and Director of Administration and Financial Services. The motion seconded by Councilmember Harmon carried unanimously. (9-0-0)

At 7:50 p.m., Mayor Wolgast reconvened into open session and announced there was no action taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:55 p.m.

Brenda Younger
City Clerk