

Governing Body Minutes – January 21, 2020

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, January 21, 2020. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Hiller, Valdivia-Alcala, Ortiz, Emerson, Padilla, Naeger, Dobler, Duncan and Lesser -9. Mayor De La Isla was absent.

THE MEETING was called to order by Brenda Younger, City Clerk. Reverend Sarah Oglesby-Dunegan, Unitarian Universalist Fellowship of Topeka, provided the invocation.

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

THE CONSENT AGENDA was presented as follows:

APPROVAL OF MINUTES of the regular meeting of January 13, 2020, was presented.

Councilmember Lesser moved to approve the consent agenda. The motion seconded by Councilmember Dobler carried unanimously. (9-0-0)

ELECTION of a Deputy Mayor to serve a one-year term pursuant to Topeka Municipal Code Section A2-26(b) was presented.

Brenda Younger, City Clerk, provided an overview of the voting process for the election of the Deputy Mayor, JEDO Board members and Metropolitan Topeka Planning Organization (MTPO) Policy Board members. She reported in accordance with Governing Body Rule 4.1(b) Council members who have served the longest period of time, and have not previously served as deputy mayor, will automatically be nominated; therefore, if accepted, Councilmember Emerson will be nominated to serve as Deputy Mayor.

Councilmember Emerson accepted the nomination.

The City Clerk opened the floor for additional nominations.

Upon hearing no more nominations, the City Clerk announced nominations were closed.

After the tally of the vote, the City Clerk announced Councilmember Emerson received 8 votes and Councilmember Naeger received 1 vote. She stated Councilmember Emerson would serve as the new Deputy Mayor.

Deputy Mayor Emerson PRESIDED over the remainder of the Governing Body meeting.

ELECTION of two City Council voting representatives to serve a one-year term on the Joint Economic Development Organization (JEDO) Board was presented.

Deputy Mayor Emerson opened the floor for nominations.

Councilmember Ortiz nominated Councilmembers Padilla and Dobler.

Deputy Mayor Emerson nominated Councilmember Lesser.

Councilmember Hiller stated historically, the Governing Body attempts to elect one new member and one experienced member for the JEDO Board each year.

Councilmember Valdivia-Alcala nominated Councilmembers Hiller and Duncan.

Curtis Sneden spoke on behalf of Greater Topeka Partnership and thanked Governing Body members for serving on the JEDO Board.

Upon hearing no more nominations, Deputy Mayor Emerson announced nominations were closed. He stated the nominees include Councilmembers Hiller, Padilla, Dobler, Duncan and Lesser and the first nominees receiving 6 votes will serve on the JEDO Board.

After the tally of the vote, the City Clerk announced Councilmember Padilla received 6 votes; Councilmember Lesser received 5 votes; Councilmember Dobler received 3 votes; Councilmembers Duncan received 2 votes; and Councilmember Hiller received 2 votes.

Deputy Mayor Emerson announced Councilmember Padilla would serve as a voting member of the JEDO Board. He asked the Governing Body to cast their vote to elect a second JEDO

Board member. He noted the nominees include Councilmembers Hiller, Dobler, Duncan and Lesser.

After the tally of the vote, the City Clerk announced Councilmember Lesser received 5 votes; Councilmember Dobler received 2 votes; and Councilmember Duncan received 2 votes.

Upon no nominees receiving 6 votes, Deputy Mayor Emerson asked Governing Body members to cast their vote to elect a second member of the JEDO Board. He noted the nominees include Councilmembers Hiller, Dobler, Duncan and Lesser.

After the tally of the vote, the City Clerk announced Councilmember Lesser received 7 votes; Councilmember Hiller received 1 vote; and Councilmember Duncan received 1 vote.

Deputy Mayor Emerson announced Councilmember Lesser would serve as the second voting member of the JEDO Board.

ELECTION of City Council representatives to the Metropolitan Topeka Planning Organization (MTPO) Policy Board was presented.

Deputy Mayor Emerson reported two Council members are elected by the Governing Body to serve on the MTPO Policy Board for a two-year term.

Deputy Mayor Emerson opened the floor for nominations.

Deputy Mayor Emerson nominated Councilmember Dobler.

Councilmember Ortiz nominated Councilmember Hiller.

Councilmember Dobler nominated Councilmember Duncan.

Councilmember Hiller respectfully declined the nomination as she has served on the Board many times. She commented on the important role of the MTPO Board and the need to advance a variety of transportation agendas. She encouraged members of the Governing Body to be engaged in the process.

Councilmember Padilla nominated Councilmember Valdivia-Alcala.

Councilmember Valdivia-Alcala respectfully declined the nomination.

Upon hearing no more nominations, Deputy Mayor Emerson announced nominations were closed. He noted the nominees include Councilmembers Duncan and Dobler.

After the tally of the vote, the City Clerk announced Councilmember Dobler as well as Councilmember Duncan received 9 votes.

Deputy Mayor Emerson announced Councilmembers Duncan and Dobler would serve as members of the MTPO Policy Board.

RESOLUTION NO. 9157 introduced by City Manager Brent Trout, authorizing Improvement Project No. T-601113.00 which provides for street improvement for Sherwood Village Subdivision as more specifically described herein was presented.

Jessica Lamendola, Director of Administrative and Financial Services, referenced City of Topeka Resolution No. 8726 and provided an overview of the City's policy for the financing of public improvements through the use of special benefit districts.

Brian Faust, City Engineer, reported the owner of the property located at Sherwood Village Subdivision has petitioned the Governing Body to establish a benefit improvement district to construct street and storm water improvements in the subdivision and assess the costs against the individual property units after construction was complete. He stated the new infrastructure will serve 32 lots within Sherwood Village Subdivision, along with concrete curb and gutters, storm sewer structures, piping and engineering and all other contingencies required for a complete project with an estimated project cost of \$830,000 to be paid 100% by the property owners within the improvement district.

Councilmember Hiller inquired on the estimated price range of homes that would be built in the subdivision. She referenced the housing study currently being conducted by Greater Topeka Partnership (GTP) in collaboration with the City of Topeka Department of Neighborhood Relations, and recent findings of a housing shortfall in the \$150,000 to \$250,000 range. She spoke in support of the benefit district stated it would appear to provide a substantial contribution to the housing needs of the community while conforming to the City's benefit district policy.

Councilmember Lesser asked what percentage of financial commitment was required of the developer.

Brian Faust stated financial guarantees must equal at least 30% of the estimated costs of the project.

Councilmember Lesser moved to approve the resolution. The motion seconded by councilmember Dobler carried unanimously. (9-0-0)

RESOLUTION NO. 9158 introduced City Manager Brent Trout, authorizing Improvement Project No. T-401082.00 which provides for sanitary sewer improvement for Horseshoe Bend Subdivision No. 5 as more specifically described herein was presented.

Brian Faust, City Engineer, reported the owner of the property located at Horseshoe Bend Subdivision No. 5 has petitioned the Governing Body to establish a benefit improvement for Sanitary Sewer improvements payable through a special assessment on a unit basis for all 31 lots included in the improvement district with an estimated cost of \$224,516.00 to be paid 100% by the property owners within the improvement district.

Councilmember Padilla moved to approve the resolution. The motion seconded by councilmember Naeger carried unanimously. (9-0-0)

RESOLUTION NO. 9159 introduced by City Manager Brent Trout, authorizing Improvement Project No. T-601117.00 which provides for street improvements for Horseshoe Bend Subdivision No. 5 as more specifically described herein was presented.

Brian Faust, City Engineer, reported the owner of the property located at Horseshoe Bend Subdivision No. 5 has petitioned the Governing Body to establish a benefit improvement district to construct paved streets to serve 31 lots within Horseshoe Bend Subdivision No. 5, along with concrete curb and gutters, storm sewer structures, piping, stormwater facilities, and engineering and all other contingencies required for a complete project with an estimated cost of \$913,850 to be paid 100% by the property owners within the improvement district.

Councilmember Lesser moved to approve the resolution. The motion seconded by councilmember Padilla carried unanimously. (9-0-0)

RESCINDING action taken at the December 17, 2019 Governing Body meeting, wherein the Governing Body voted to approve the recommendation from the Social Services Grant Committee to outsource the City of Topeka's Social Services Grant program to a third party was presented.

Councilmember Valdivia-Alcala expressed concern with the outsourcing of the Social Services Grant Program and identified the following items as problematic:

- Actual cost to administer the program *i.e.* a guestimate with no official staff time study conducted
- Shortage of funding for senior centers
- The 5% service fee (approximately \$22,000) to outsource the program will be deducted from the overall Social Services Grant pool of funding
- Application requirements such as scoring components of strategic planning of Social Service agencies; requiring 3 years of experience before applying for a grant; a review of agencies currently grandfathered; reconsideration of the minimum threshold of funding currently set at 90% and a rollback when required; and the all or nothing scoring with five point increments

In conclusion, Councilmember Valdivia-Alcala encouraged Governing Body members to work with community organizations to find common sense resolutions built on mutual respect and teamwork.

Councilmember Valdivia-Alcala moved to rescind action taken at the December 17, 2019, Governing Body meeting, wherein the Governing Body voted to approve the recommendation from the Social Services Grant Committee to outsource the City of Topeka's Social Services Grant program to a third party. The motion was seconded by Councilmember Ortiz.

Councilmember Ortiz spoke in support of the motion to rescind. She stated there are adjustments that need to be made to the program including eliminating the 3-year experience requirement as well as retaining the appeal process. She expressed the importance of the Governing Body staying engaged in the process to help ensure social services programs receive the funding they deserve.

Councilmember Naeger asked what steps have been taken by the City to improve the process.

Brent Trout, City Manager, stated the City continues to offer various programs to assist with the grant application, reporting mechanism as well as understanding the rules and regulations in receiving grant funding.

Sasha Haehn, Department of Neighborhood Relations Director, reported each year as part of the normal process, the Committee reviews the score sheet, the priority sheet setting the categories to be funded, and the dollar amount to be recommended to the Governing Body. She stated each year, staff receives feedback from agencies resulting in minor changes to the application and score sheet and constantly works to improve the process and review it with the Committee.

Councilmember Duncan asked if the outsourcing of services would have an effect on the appeal process.

Brent Trout stated the appeal process would be eliminated as recommended by the committee.

Councilmember Duncan stated he would not have supported the outsourcing of services if he would have served on the Governing Body at the time the initial decision was made; therefore, he will support the motion to rescind. He expressed concern with not having an appeal process in place and noted as elected officials it was their job to responsibly manage tax dollars.

Councilmember Dobler questioned how the estimated cost savings in staff time would be utilized.

Brent Trout reported staff time would be used to adequately administer the Homeless Management Information System (HMIS).

Sasha Haehn reported in 2018, it was determined there were five agencies providing “actual” contracted services to the City; therefore, those agencies were removed from the grant funding pool, and it has been determined that two of the contracted services will not be renewed in 2020, causing a surplus in contracted dollars to be placed back into the grant funding pool to cover the cost of the 5% service fee.

Councilmember Hiller provided detailed background of the process over the years and stated the intent was to have tight scoring criteria based on outcome and documented performance that included an appeal process. She stated she would support the motion to rescind action because she believes it would be advantageous to wait another year to review the process and address some of the issues discussed before they decide to outsource the service.

Councilmember Lesser reported it was a difficult task for the Committee that entailed

extensive research and dialog; however, the program remains consistently problematic. He reported the intent of the Committee recommendation was to keep the integrity of the process intact by allowing the Committee to weigh in on the criteria and have a specialized third party work to make the program fluid and successful. He noted they have the option of reverting to a different process if outsourcing does not work.

Councilmember Valdivia-Alcala stated she believes staff has the ability to cooperate with Social Services programs and find a compromise. She encouraged the Governing Body to aspire to be better and learn more about the process.

Councilmember Lesser called the question. The motion died due to a lack of a second.

The motion to rescind action taken at the December 17, 2019, Governing Body meeting, wherein the Governing Body voted to approve the recommendation from the Social Services Grant Committee to outsource the City of Topeka's Social Services Grant program to a third party failed. Councilmembers Emerson, Padilla, Dobler and Lesser voted "no." (5-4-0)

DISCUSSION related to (1) establishing the first Tuesday in January following the general election as the commencement date for mayor and council member terms; and (2) establishing a different meeting location for the second Tuesday governing body meeting, was presented.

Brent Trout, City Manager, reported State law establishes the term of office commencement dates for mayor and council members as the second Monday in January unless the governing body passes a resolution establishing a different date provided the date is after December 1 following the certification of election results and before the second Monday in January. He stated because governing body meetings occur on Tuesdays, staff recommends the first Tuesday in January.

Deputy Mayor Emerson asked how it would be handled if the first Tuesday was a holiday.

Lisa Robertson, City Attorney, reported they could include language that would address legal holidays.

Councilmember Ortiz spoke in support of keeping the commencement date on the second Monday in January.

Councilmember Hiller spoke in support of the commencement date taking place at the first meeting in December or the first meeting in January.

Brent Trout, stated the second discussion point relates to changing the location of the second Tuesday meeting to a location to be determined by the city manager which would be posted on the City's web site at least five (5) business days before the meeting - which would be televised. He noted the intent of the proposal was to better accommodate discussions with action being taken on the first and third meetings.

Councilmember Hiller asked if the intent was to keep the public engaged in the discussion meetings. She expressed concern with confusing the public in regards to location of meetings.

Brent Trout stated public comment would be allowed and the public would be educated on the change in the Governing Body meeting schedule.

Councilmember Duncan spoke in support of having the flexibility to move meeting locations providing the opportunity for more people to become involved in municipal government.

Councilmember Padilla stated he concurs with Councilmember Duncan and supports the idea of considering different locations for Governing Body meetings.

Councilmember Dobler spoke in support of the change and noted the management of

agenda items will be critical.

Deputy Mayor Emerson spoke in support of having the ability to change meeting locations. He questioned if action items would be included on the second meeting agenda if needed.

Councilmember Hiller stated she was open to the change; however, she wants to make certain the Governing Body has sufficient time to prepare for all agenda items including discussions.

Brent Trout stated action items would not be restricted; however, the focus of the second meeting of each month would be discussion items.

Deputy Mayor Emerson requested a sample agenda be provided to the Governing Body to help them better understand how agendas will be drafted.

DISCUSSION for the purpose of reviewing the Capital Improvements Plan policy and the financial parameters of the Capital Improvements Plan for 2021-2030, was presented.

Brent Trout, City Manager, stated staff will present an overview of the CIP policy in preparation of the special meeting workshop scheduled on February 1, 2020.

Nick Hawkins, Deputy Director of Administrative and Financial Services, highlighted City of Topeka Resolution 8831 the Capital Improvement Program policy and current financial guidelines for the 2021-2030 Capital Improvement Plan (CIP). He stated the Governing Body will review projects in the CIP at a special meeting workshop on February 1, 2020, and will have further input at future Governing Body meetings in anticipation of adopting the 2021-2030 CIP in early April 2020.

Councilmember Dobler requested more information on the purchasing of Topeka Fire truck apparatus.

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

Brent Trout, City Manager, announced Tim Laurent, Shawnee County Parks & Recreation Department Director, will be providing an update to the Governing Body on February 4, 2020. He also announced the East Topeka North Neighborhood has been selected as part of the SORT Neighborhood Improvement Program and a neighborhood plan kick-off meeting will be held on February 6, 2020, at the Salvation Army Building, 1320 SE 6th Street from 6:00 – 7:30 p.m. He stated the Topeka Fire Department Advanced Life Support (ALS) Pilot program has begun with paramedics serving as part of crew members on Fire Engines 7 and 8.

Councilmember Valdivia-Alcala reported she has been working with District 2 Neighborhood Improvement Associations and they are seeking new memberships; developing a plan to relaunch neighborhood watch programs; and looking for people interested in creating community gardens throughout the district. She asked interested citizens to contact her at 785-233-7110.

Councilmember Ortiz congratulated Councilmember Emerson for being elected Deputy Mayor. She commended City street crews for their hard work during inclement weather. She encouraged new Governing Body members to participate in a ride-along with street maintenance crews to help them better understand the challenges of the job.

Deputy Mayor Emerson thanked the Topeka Police Department for keeping the Governing Body informed. He also thanked the many community partners involved in constructing the new sidewalk on the southside of SE 29th Street along the frontage of the Great Life Fitness Club property.

Councilmember Dobler congratulated Councilmember Emerson for being elected Deputy

Mayor. He thanked City water and street crews for their hard work during inclement weather.

Councilmember Duncan announced his plans to conduct District 8 quarterly meetings. He stated the first meeting would be held in March and the details regarding date, time and location would be posted on social media outlets in the upcoming weeks.

Councilmember Lesser thanked the Topeka Police Department for providing detailed updates and keeping the Governing Body informed.

Councilmember Hiller congratulated those Governing Body members serving in new board positions in 2020. She reminded Governing Body members to submit their 2020 committee requests. She commended the Topeka Foundry Company for their longevity and continued support in the community by providing jobs.

Deputy Mayor Emerson commented on the January 18, 2020, Governing Body retreat and thanked Governing Body members for being engaged in the process.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:13 p.m.

(SEAL)

Brenda Younger
City Clerk