

Governing Body Minutes – July 21, 2020

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, July 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 and Duncan -3; and the following Councilmembers participated remotely: Emerson, Padilla, Naeger, Dobler, and Lesser - 5. Mayor De La Isla presided -1. Absent: Councilmember Ortiz -1.

AFTER THE MEETING was called to order, Imam Omar Jaleel Hazim, Islamic Center of Topeka, provided the invocation.

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

BOARD APPOINTMENT recommending the reappointment of Jeff Romine to the Board of Plumbing Examiners for a term ending December 31, 2021, was presented. (*Council District No. 7*)

BOARD APPOINTMENT recommending the reappointment of Neil Carlson to the Board of Plumbing Examiners for a term ending December 31, 2021, was presented. (*Council District No. 7*)

Councilmember Naeger moved to approve the appointments. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. Mayor does not vote. (8-0-0)

CONSENT AGENDA was presented as follows:

APPROVAL OF MINUTES of the special meeting of July 11, 2020 and regular meeting of July 14, 2020 was presented.

Councilmember Dobler moved to approve the consent agenda. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (9-0-0)

ORDINANCE NO. 20247 introduced by City Manager Brent Trout, removing the real property located at 220 S.E. 6th Street from the Dynamic Core Redevelopment District was presented.

Councilmember Ortiz joined the meeting remotely.

Brent Trout, City Manager, reported the proposal was the first request to remove property from the Dynamic Core TIF District and all future requests would be placed on the consent agenda for consideration by the Governing Body.

Councilmember Lesser moved to adopt the ordinance. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Padilla, Naeger, Dobler, Duncan, Lesser and Mayor De La Isla -10.

ORDINANCE NO. 20248 introduced by City Manager Brent Trout authorizing and providing for the issuance of \$14,110,000 aggregate principal amount of General Obligation [Refunding and Improvement Bonds], Series 2020-A of the City of Topeka, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto was presented.

Brent Trout, City Manager, stated the general obligation bonds and temporary notes would assist with payments of capital improvement projects for 2021.

Jessica Lamendola, Administrative and Financial Director, reported the City participated in the sale of bonds to fund current and prior Capital Improvement Plans (CIP). She stated sales were favorable due to the City's strong credit quality. She noted Jeff White, Columbia Capital Management, L.L.C., and Kevin Cowan, Gilmore & Bell, P.C. were present for questions.

Jeff White, Columbia Capital Management, L.L.C. reported Baker Group, L.P. was awarded the bid for the General Obligation Refunding and Improvement Bonds Series 2020-A offering a 1.3% interest rate; Morgan Stanley & Company, L.L.C. was awarded the bid for General Obligation Temporary Renewal and Improvement Notes Series 2020-A offering an interest rate of 0.34%; and Piper Sandler was awarded the bid for Taxable General Obligation Temporary Renewal and Improvement Notes Series 2020-B offering an interest rate of 0.42%. He stated as a result of refinancing approximately \$7.5 million in bonds, the City will produce an approximate savings of \$870,000 in 2020 dollars reducing bond payments by 12%.

Councilmember Emerson moved to adopt the ordinance. The motion seconded by Councilmember Padilla carried unanimously on roll call vote. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Padilla, Naeger, Dobler, Duncan, Lesser and Mayor De La Isla -10.

RESOLUTION NO. 9191 introduced by City Manager Brent Trout prescribing the form and details of and authorizing and directing the sale and delivery of \$14,110,000 aggregate principal amount of General Obligation [refunding and improvement] Bonds, Series 2020-A of the City of Topeka, Kansas, previously authorized by Ordinance No. 20248 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith was presented.

Councilmember Dobler moved to approve the resolution. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (10-0-0)

RESOLUTION NO. 9192 introduced by City Manager Brent Trout authorizing and directing the issuance, sale and delivery of \$10,555,000 in the aggregate principal amount of General Obligation Temporary Renewal and Improvement Notes, Series 2020-A, and

\$13,870,000 in the aggregate principal amount of Taxable General Obligation Temporary Renewal Notes, Series 2020-B, of the City of Topeka, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith was presented.

Councilmember Naeger moved to approve the resolution. The motion seconded by Councilmember Padilla carried unanimously on roll call vote. (10-0-0)

AMENDING Governing Body Rule 3.1 concerning Regular Governing Body Meetings was presented.

Brent Trout, City Manager, reported the committee has not been able to meet due to the COVID-19 pandemic outbreak to discuss amending Governing Body Rule 3.1 as well as the next agenda item, an ordinance amending Topeka Municipal Code Section 2.15.020 concerning Governing Body meeting locations.

Councilmember Lesser, Policy and Finance Committee Chair, requested the Governing Body take action on the item or withdraw the item from the agenda as he has no intent of bringing the item forward for consideration due to budget constraints and to ensure the health safety of citizens, City employees and Governing Body members.

Mayor De La Isla, Councilmembers Naeger and Duncan expressed their hope to consider inclusivity of the community in the future as budget constraints allow.

Councilmember Hiller reminded the Governing Body they already have the ability to engage citizens by conducting public hearings throughout the community as needed.

Councilmember Ortiz moved to amend Governing Body Rule 3.1. The motion seconded by Councilmember Emerson failed on roll call vote. Councilmember Duncan voted “yes” (1-9-0)

ORDINANCE introduced by City Manager Brent Trout amending City of Topeka Code Section 2.15.020 concerning meetings of the Governing Body was presented.

Councilmember Lesser stated he concurs with Governing Body members to expand meeting locations throughout the city; however, due to the COVID-19 pandemic, employee furloughs and full-time position cuts he believes it was not the right time. He reported it would cost \$12,000 to change the locations of Governing Body meetings and he considers this a “want” not a “need.”

Councilmember Duncan stated he has no issue with the Committee’s stance; however, it was his hope this was something the Governing Body would consider in the future as funding allows.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Naeger failed on roll call vote. Councilmember Duncan voted “yes.” (1-9-0)

APPROVAL to authorize the establishment of a special committee to review and make recommendations to the Governing Body relating to public infrastructure projects was presented.

Brent Trout, City Manager, reported special committee members will be selected by the deputy mayor and comprised of councilmembers with voting authority. He noted other individuals will be allowed to participate as needed.

Councilmember Dobler moved to authorize the establishment of a special committee. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (10-0-0)

ORDINANCE NO. 20249 introduced by Councilmember Spencer Duncan regarding an ordinance concerning execution of search warrants was presented.

Councilmember Duncan reported at the request of the Fraternal Order of Police (FOP) he met with union members and they were able to reach amenable language revisions. He stated approval of the ordinance would accomplish a mechanism to ban no knock warrants and ensures investigation and prosecution of violators.

Matt Blasingame, FOP Union representative, thanked Councilmember Duncan for allowing additional time to reach an agreement and address FOP language concerns.

Oshara Hayes asked the Governing Body to renegotiate the FOP Union contract if the proposed ordinance violates the contract. She referenced an article relating to violent incidents that have resulted from no knock warrant tactics.

Nicole Purce spoke in opposition of any forced entry by law enforcement on any level. She referenced an incident of racial profiling by the Topeka Police Department against her in February of 2019. She stated she believes her family continues to be victimized and racially profiled.

Nubianne Phillips spoke in support of no forced entry by police officers and stated she concurs with previous comments of Ms. Hayes and Ms. Purce.

Councilmember Valdivia-Alcala commended Councilmember Duncan for taking the first step in reform of police policy. She asked for the definition of the word “exigent.” She asked what the FOP was concerned with and why the Union wanted the body camera language removed. She commended staff for including language relating to the Independent Police Auditor position; however, she prefers the Police Department to be reviewed by an independent commission.

Lisa Robertson, City Attorney, stated there is no definition of “exigent” in the ordinance; however, there will be situations where police officers may not have the opportunity to knock on the door.

Councilmember Duncan stated an “exigent” situation would be when the officers are in direct bodily harm, possible death or imminent harm, and there has to be an actual action of harm and not just a perception. He stated some of the language was a contradiction of the FOP Union contract and a policy for body cameras was already in place. He stated the FOP was not opposed to the use of body cameras.

Bill Cochran, Topeka Police Chief, spoke in support of the language changes resulting from extensive discussions that included internal policies relating to body cameras and discipline. He stated approval of the ordinance would eliminate no knock warrants by the Topeka Police Department.

Councilmember Padilla spoke in support of the ordinance. He stated the Governing Body has oversight of the Topeka Police Department to make sure citizens are safe and he believes the Independent Police Auditor was transparent in the process.

Councilmember Lesser commended Councilmember Duncan for his work on the proposed ordinance and working with the FOP Union. He stated the ordinance should help protect all involved when considered in totality.

Councilmember Dobler spoke in support of the ordinance and thanked Councilmember Duncan for involving the FOP Union and City Manager.

Councilmember Valdivia-Alcala stated there are still difficult issues to discuss and there continues to be people across the nation and the city that are asking for a Citizens Review Panel

to investigate complaints. She questioned what type of wholeness victims would receive without impartial investigations of complaints.

Councilmember Hiller questioned the technical need for the complaint procedure to be included in the ordinance if a policy was already established. She stated she wants assurance all complaints could be filed no matter the issue.

Chief Cochran stated body camera technology changes frequently and current City policy allows staff to update it as needed without requiring a change in code. He confirmed there was a complaint policy already established, no matter the issue.

Brent Trout stated the ordinance establishes the no knock warrant ban as a priority. He stated if there becomes an issue with an individual filing a complaint he would address as needed.

Councilmember Duncan stated the ordinance would also set a standard for civil actions.

Councilmember Naeger moved to adopt the ordinance. The motion seconded by Councilmember Padilla carried on roll call vote. (8-1-0) Valdivia-Alcala voted no. The Mayor does not vote.

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Emerson, Padilla, Naeger, Dobler, Duncan, and Lesser -8. Nays: Valdivia-Alcala -1

RESOLUTION introduced by City Manager Brent Trout adopting the findings, recommendations, and strategies in the Citywide Housing Market Study and Strategy analysis was presented.

Brent Trout, City Manager, stated the study was discussed at the July 14, 2020, Governing Body meeting and staff recommends approval of the resolution as presented.

Ivan Weichert, Topeka Area Building Association, stated he served on the Citywide Housing Market Study & Strategy Steering Committee and questioned the verbiage in the resolution and believes the recommendations should be “accepted” instead of “adopted” as outlined in the resolution.

Nicole Purce expressed concern with the poor housing conditions in all areas of the city. She questioned why the City will not hold landlords accountable for poor quality homes being offered to renters; and encouraged the Governing Body to allocate funds to improve poor living conditions across the city.

Nubianne Phillips expressed concern with poor living conditions of many rental homes across the city. She asked the Governing Body to hold landlords accountable for affordable safe housing.

Councilmember Padilla asked the City Manager if the complaints will be expedited with the new master plan and if partners such as Mr. Weichert would be consulted to help develop a step by step plan.

Brent Trout reported staff will work to create steps and an action plan to implement the master plan by working with community partners. He stated the City Manager’s office remains open to housing complaints and staff will assist with solutions and work to receive answers more directly.

Bill Fiander, Planning and Development Director, confirmed that Mr. Weichert as well as many other community partners would be part of implementing the plan.

Councilmember Duncan stated he will support the resolution, however, some policy decisions need further discussion and will be brought back before the Governing Body for

approval. He stated he would be making a motion to create a subcommittee to help look at and move forward with the need for policy changes.

Councilmember Ortiz spoke in support of the resolution and clarified approval of the resolution would not implement funds to the Housing Trust Fund. She commended JUMP for their efforts in working to create affordable housing in Topeka and stated it will take the entire community to make the plan successful.

Mayor De La Isla stated she believes it will be paramount to fund the Housing Trust Fund and suggested the Governing Body consider using reserve funds to establish an endowment fund as an investment of service back into the community.

Councilmember Lesser encouraged the City to begin movement on the master plan and encouraged community partners to engage in the process and research and use all possible resources.

Councilmember Hiller stated the issue has generated various discussions relating to developers and code issues as well as a push by the community to adopt a plan and all of its recommendations, however, the proposed resolution approves a housing study not the details in regards to strategy and data that she believes needs to be addressed. She noted ideas have been presented by citizens including classic development strategies that are not included in the plan that the Governing Body may want to consider. She reported she would propose an alternate motion to adopt the study instead of approving the proposed resolution. She explained her motion to draft a specific plan with goals in 90 days may seem intense; however, it would allow the City to be ready to implement a plan in January 2021. She stated she believes the following items need to be addressed before moving forward:

1. The limitation on how much will be available in low-income housing tax credits. There was a need to either advocate for more tax credits or to allow it to self-govern how much big development the City can feasibly handle along with the details.
2. The importance of neighborhoods being heard as well and setting a plan that outlines very specific strategies and data needed.

Councilmember Hiller moved to adopt the study as an invaluable collection of data and strategy options, and requested the City Manager work with citizens, staff, providers and Council to draft a starting implementation plan in 90 days. The motion was seconded by Councilmember Valdivia-Alcala.

Councilmember Naeger expressed the importance of having data to support strategies. She asked the City Manager to comment on the implementation of the plan as it relates to the restructure of the Department of Neighborhood Relations. She spoke in support of creating a Council lead subcommittee to help implement a plan within 90 days

Brent Trout stated housing issues will continue to be handled by the Housing Division and rental issues will continue to be handled by the Property Maintenance Division. He reported the proposal made by Councilmember Hiller would ask individuals on the Steering Committee, serving in the various sectors of the community, to continue serving by helping with the implementation phase and plan. He stated he believes this would be the only way the plan could be implemented in 90 days.

Councilmember Hiller stated it was her intent to include all four groups (citizens, staff, providers and Council) in the motion and it does not preclude the Governing Body from creating a subcommittee; however, this could also be accomplished by a separate motion.

Councilmember Duncan asked for clarification on what the Governing Body will receive back in 90 days.

Councilmember Hiller stated she would like to see at least a one-year action plan that includes goals and would prefer a three-year action plan. She requested a one-year action plan that literally outlines the number of units that will be brought online and how it will be accomplished, which could include code or new construction or weatherization as an add on. She noted the Housing Trust Fund and weatherization seem to be the two items universally appealing out of all the recommendations; however, other sectors and strategies outlined in the study could be folded into the plan.

Councilmember Duncan expressed his support of including a subcommittee as part of the process in creating the first year action plan; however, 90 days would not be enough time to implement all the needed policy changes outlined in the study. He expressed the importance of having a mechanism to review what would be viable for all strategies or recommendations of the study.

Councilmember Dobler expressed concern with the lack of funding support for municipalities by state and federal governments. He suggested the City work with Shawnee County on housing needs from a funding perspective as well as an overall holistic perspective.

Mayor De La Isla expressed concern with federal and state dollars of the HEROES Act being removed by the Senate that would have been sent to municipalities.

Brent Trout stated staff would continue to look for opportunities that exist.

Councilmember Duncan stated he wants the Governing Body to take ownership and help and support staff with such a large task.

Councilmember Valdivia-Alcala offered her services to assist staff as needed.

Councilmember Hiller suggested staff create a meeting structure to engage Neighborhood Improvement Associations (NIAs) and all community members that want to be involved.

Councilmember Lesser stated under the current circumstances he questions if 90 days was a reasonable expectation due to budget cuts and combining staff positions.

Brent Trout expressed concern with the depth of results that could be accomplished in 90 days.

Bill Fiander stated the point of the study was to do more and staff would focus on one or two important items over the next 120 days in order to move forward. He stated realistically, it will be a challenge during this time as the City needs to engage partners to leverage the Housing Trust Fund as well as start and expand on weatherization in the next 120 days. He stated beyond the 120 days, it would seem more practical for staff to continue to meet and welcome direction and support from the Governing Body in drafting a plan.

Mayor De La Isla asked Councilmember Hiller if she would be willing change her motion to reflect 120 days instead of 90 days.

Councilmember Hiller stated the plan does not have to be elaborate the first year, it could just include the Housing Trust Fund and weatherization. She stated the 90 days allows the Governing Body to approve the plan before the end of the year.

Bill Fiander asked if Councilmember Hiller would accept a report in 90 days on a plan for the next 12 months.

Councilmember Hiller agreed to the proposal made by Mr. Fiander.

Brent Trout stated the 1st Tier of the plan could be completed in 90 days and then staff would continue to establish the process for the 2nd and 3rd Tiers.

Councilmember Lesser requested a friendly amendment of 120 days to report back to the Governing Body.

Bill Fiander stated his preference would be to report back in 120 days.

Councilmember Hiller accepted the friendly amendment. The second concurred.

The motion to adopt the study as an invaluable collection of data and strategy options, and requested the City Manager work with citizens, staff, providers and Council to draft a starting implementation plan in 120 days carried unanimously on roll call vote. (10-0-0)

DISCUSSION on the City of Topeka 2021 Operating Budget was presented.

Jessica Lamendola, Administrative and Financial Services Director, stated staff will present on the Utilities Department operating budget. She announced the 2021 Operating Budget Public Hearing will be conducted on July 28, 2020. She noted staff continues to work on answering questions from Governing Body members for distribution.

Bob Sample, Utilities Department Director, reported on the Utilities Department operating budget and stated the department has been restructured eliminating four management positions realizing a savings of \$300,000 along with a comprehensive review or optimization study to determine the effectiveness of operations followed by the development of an action plan. He noted this would be a two-year process that would include all levels of employees.

Councilmember Hiller questioned if the savings realized by eliminating four positions was reflected in 2021 budget.

Bob Sample stated no savings would be reflected in the budget until the optimization study was complete to determine efficiencies.

Mayor De La Isla, Councilmembers Naeger, Dobler and Ortiz expressed their gratitude and commended staff for making difficult reductions; to continue on the path of increasing cash projects; and allocating funds for infrastructure improvements.

Joseph Ledbetter expressed concern with Water Department Utility Funds being used for water infrastructure. He spoke in opposition of defunding or making cuts to the Topeka Police

Department. He asked the Governing Body to provide enhanced retirement packages. He stated the number of employees should be reduced by 48 positions to accommodate the decrease in population by 4% along with enhanced productivity. He encouraged privatization and optimization of street and water line repairs, forestry services and parking garages.

Nicole Purce encouraged the Governing Body to allocate funding for improved water quality for all residents; improved street repairs; allocate Police Department funding to improve health care for people; decrease water rates; and review the City budget as a whole and allocate funding where it was needed the most.

Brent Trout, City Manager announced a public hearing on the 2021 Operating Budget and five-year Consolidated Action Plan would be held on July 28, 2020, as well as consideration of 2021 Operating Budget amendments.

Corrie Wright, Housing Services Division Director, provided an overview of HUD Objectives; Department Objectives; CDBG, HOME, ESG and Shelter Plus Care grant funds; SORT Target Area Rehabilitation Program; Emergency Repair and Weatherization Programs; Accessibility Program; Voluntary Demolition; Topeka Opportunity to Own (TOTO); Community Housing Development Organization (CHDO); Emergency Solutions Grant; Continuum of Care – Shelter Plus Care and Neighborhood Supports. She also highlighted the 2021 plan and budget.

Councilmember Emerson move to extend the meeting past 10:00 p.m. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (10-0-0)

PUBLIC COMMENT was expressed by the following individuals:

The following individual submitted public comment via electronic mail: Joseph Ledbetter. (*Attachment A*)

Joanna Becker, Black Lives Matter, listed demands for change to Topeka Police Department reform and requested a special session be conducted to allow the public to further discuss police reform with the Governing Body.

Thomas Muther spoke about the death of Dominic White and expressed concern with the need for justice for Mr. White's death along with many others in the community. He stated he believes as a City we must do better and urged for change.

Regina Platt spoke about the youth of the community that have been impacted by a high level of trauma and asked the City to work on an increased de-escalation training approach; place mentors and implement programs to increase resources; and improve body camera technology. She encouraged City officials to stand up for the youth and deal with the trauma they are dealing with in the community.

Oshara Hayes listed demands for changes to the FOP Union contract to support police reform. See referenced area landlords receiving HUD grant funding and asked the Governing Body to distribute funding fairly to low income people.

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

Brenda Younger, City Clerk, provided an overview of the July 28, 2020, Governing Body Agenda.

Councilmember Hiller thanked those who spoke during the public comment period.

Councilmember Lesser expressed concern with the continuous practice by the Governing Body to grant additional time during public comment. He suggested if Governing Body members want to increase the four (4) minute time limit then they should consider a change in the procedural rules.

Councilmember Valdivia-Alcala stated she asked the City Manager for additional time on the agenda to discuss the questions she had for Police Chief Cochran. She stated her questions pertain to crime stats; school resource officers; and arrest numbers categorized by class, race and gender. She reported the City Manager stated the matter may possibly be added to the August 21, 2020, Governing Body agenda; however, there have been an excessive amount of emails requesting discussion of particular topics. She requested the City Manager call a special meeting to discuss multifaceted concerns that she and the public have regarding police reform.

Brent Trout reported according to Governing Body Rules and Procedures a special meeting of the Governing Body may be called by the city manager, mayor or four council members. He stated he would defer to the Mayor or four members of the council to call a special meeting as requested by Councilmember Valdivia-Alcala.

Councilmember Valdivia-Alcala requested Elizabeth Toyne, Assistant to the City Council, send an email to all Governing Body members requesting the call for a special meeting.

Councilmember Emerson expressed his appreciation to the public and Governing Body members for their outpouring of well wishes the time he was ill.

Councilmember Naeger thanked all individuals who have provided public comment and noted the statements will not go unnoticed.

Councilmember Dobler expressed the importance of having affordable, reliable, high speed internet service in the parts of the city that need it the most. He announced the City of West Des Moines, Iowa, implemented a city utility that provides underground conduit that would house fiber optic cables for companies to lease from the city to provide internet service. He requested the City Manager develop a task force to consider a similar proposal with the focus on Northeast and Central Topeka.

Mayor De La Isla thanked individuals that have provided public comment over the past several weeks. She spoke to the need for expanded broadband in the city and county as well as addressing affordable housing and code enforcement issues.

Councilmember Hiller stated CARES funding will open up for broadband expenses.

NO FURTHER BUSINESS appearing the meeting was adjourned at 10:29 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

Brenda Younger

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, July 21, 2020 8:07 PM
To: Sylvia Ortiz
Cc: Michelle De La Isla; Brenda Younger
Subject: Enforcement of codes on landlords is the key to fixing housing of 42 percent of the housing- the tenant occupied property. Strict enforcement.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPhone