

Governing Body Minutes – October 20, 2020

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, October 20, 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, Emerson, Padilla and Duncan - 4; and the following Councilmembers participated remotely: Valdivia-Alcala, Naeger and Dobler - 3. Mayor De La Isla presided - 1. Absent: Councilmembers Ortiz and Lesser – 2.

AFTER THE MEETING was called to order, Councilmember Valdivia-Alcala provided the invocation.

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

BOARD APPOINTMENT recommending the reappointment of Randy Clayton to the Topeka Public Building Commission for a term ending September 30, 2024, was presented.

Councilmember Ortiz joined the meeting remotely.

Councilmember Emerson moved to approve the appointment. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. Councilmember Duncan abstained. The Mayor does not vote. (7-0-1)

CONSENT AGENDA was presented as follows:

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

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

Councilmember Lesser joined the meeting remotely.

RESOLUTION NO. 9197 introduced by City Manager Brent Trout supporting the City of Topeka's application for funding from the Kansas Department of Transportation for Topeka Bikeways Phase IV implementation was presented.

Brent Trout, City Manager, stated the resolution of support would be included in the application for transportation alternatives program funding.

Bill Fiander, Planning and Development Director, reported the Public Works Infrastructure Special Committee unanimously supports the use of Transportation Alternatives (TA) Program funds for City bikeways and trails. He noted Countywide Sales Tax revenue funds the bikeways master plan and leverages those funds for projects. He stated Phase IV would update to the Bikeways Master Plan that was approved by the Metropolitan Topeka Planning Organization (MTPO) policy board; and the total request for projects was approximately \$2 million requiring \$400,000 in City matching funds. The application would include the following proposed projects:

- Downtown Connections – separated bike facilities connecting neighborhoods to Downtown from SE 6th Avenue, Kansas Avenue Bridge, SW 8th Street and the Landon Trail
- Trail Connections – various neighborhoods connecting to the Shunga, Landon and Soldier Creek Trails
- NW Tyler Street - a multi-use path on NW Tyler Street between Waddell Street and Lyman Road
- The first two projects implement major priorities of the MTPO's Topeka Fast-Track Bike Plan. The third project implements the City's adopted Complete Streets Policy.

Councilmember Dobler inquired on the interface between the City and Shawnee County as it relates to the County owning and maintaining the trails. He asked staff to clarify how the different funding sources would be utilized; and if the Tyler Creek Project, funded through general obligation bonds, would remain the City's responsibility.

Bill Fiander clarified funding comes from Countywide Half Cent Sales Tax revenues; Shawnee County would be responsible for the maintenance of trails; and the Tyler Creek Project would remain a City project.

Councilmember Hiller questioned if there would be sufficient funding to “supersize” the NW Tyler Project as planned. She asked for an explanation of the total package of City and County projects including turnaround time and which proposals might be approved for funding.

Bill Fiander stated the City has a Complete Streets Advisory Committee that includes City of Topeka and Shawnee County representatives that advise the MTPO Advisory Board and reviews priorities. He reported the main priority for Shawnee County would be the Robinson Trail Project along with other sub-priorities. He noted in the past, approval has been based on which municipalities apply statewide; however, the City would not have to compete with larger cities such as Kansas City and Wichita. He stated he was hopeful one of the larger projects along with two other small scale projects would be approved.

PJay Carter spoke in support of the Robinson Trail Project and the positive impact it would have on the community. He referenced the letter received by the City from Black Lives Matter and stated he was waiting for a response.

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

ORDINANCE NO. 20266 introduced by City Manager Brent Trout amending Section 1 and Section 2 of Ordinance No. 20257, codified at Sections 13.10.280 and 13.20.130 of the Topeka Municipal Code, to repeal provisions allowing installation and repair of water and sewer lines by contractors licensed to install City utilities servicing certain developments was presented.

Councilmember Emerson stated at the August 18, 2020, Governing Body meeting he proposed two amendments to the Topeka Municipal Code which will allow city licensed utility contractors to install water and sewer lines on commercial and industrial sites. He reported the

intent of the amendments was to eliminate problems that were occurring on new developments in the city, and although the amendment solved a few immediate problems, the wording led some plumbing contractors to think their livelihood was being threatened and that was not the intent of the proposed language amendments. He noted he recently had a long discussion with a large mechanical contractor who has also encountered issues with the City's development policies. He continued to report, that all parties involved have agreed to cooperate with City staff and other stakeholders to help craft policies that will ensure Topeka was on a level playing field for future developments, and in turn, he would move to rescind the amendments as a show of good faith.

Councilmember Emerson moved to suspend the Governing Body Rules in order to provide an opportunity to reconsider language adopted in Ordinance No. 20257 during the August 18, 2020, Governing Body meeting relating to the 2018 Uniform Plumbing Code. The motion was seconded by Councilmember Naeger.

Councilmember Hiller asked for assurance that the matter would be resolved by the end of 2020. She stated she believes if the ordinance was drafted by November 20, 2020, it would allow time for discussion and adoption in December 2020. She asked if developers, engineers, mechanical contractors, architects, site work contractors, as well as plumbers could be involved in discussions to insure a well-crafted ordinance.

Brent Trout, City Manager, stated staff was aware of the issues and will craft the necessary language. He stated the deadline of finalizing the ordinance depends on when the meetings with the stakeholders occur; however, he will make every effort to address the ordinance before the end of the year.

The motion to suspend the Governing Body Rules in order to provide an opportunity to reconsider language adopted in Ordinance No. 20257 during the August 18, 2020, Governing

Body meeting relating to the 2018 Uniform Plumbing Code carried unanimously on roll call vote. (10-0-0)

Lisa Robertson, City Attorney, clarified the ordinance being proposed would amend Ordinance No. 20257 by repealing subsection (c) in both Sections 13.10.280 and 13.20.130.

Councilmember Emerson moved to adopt the ordinance. The motion seconded by Councilmember Naeger carried unanimously. (10-0-0)

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

REQUEST to extend the deadline for the City of Topeka Fire Service Special Committee to report to the Governing Body from November 10, 2020, to no later than April 6, 2021, was presented.

Brent Trout, City Manager, stated in March 2020 he requested a deadline date of November 10, 2020, for the committee regarding fire services. He reported he understands this remains a priority for the Governing Body and believes it would now make sense to start conducting meetings with the Fire Service Committee, but with an extended deadline report date of April 6, 2021. He stated the committee meetings will begin in November and staff will verify those on the committee still wish to serve. He noted there are a number of issues that need to be discussed such as fire prevention and suppression, reviewing ambulance services as well as what level of funding including service amounts.

Councilmember Ortiz moved to approve the request to extend the deadline until April 6, 2021. The motion was seconded by Councilmember Lesser.

Councilmember Hiller referenced the current committee members including Fire Department personnel and those that support the Fire Department; however, she hopes that public engagement will include different points of view. She questioned if the planned budget was comparable to the City's current budget.

Brent Trout stated the variety of citizens and Councilmembers serving on the committee will provide good input from different backgrounds and experiences. He stated the intent was to seek public input and consider funding and expenses along with the level of service the City needs.

Councilmember Valdivia-Alcala asked who would be serving in place of former City of Topeka Emergency Management employee Jim Green; how citizen volunteers were chosen to serve on the committee; and if Councilmembers provided input on committee members.

Brent Trout reported a representative from Shawnee County would replace Jim Green; and the current committee members were recommended by Governing Body members; however, if the Body would like more citizens to participate then they could recruit more members.

Councilmember Padilla requested committee updates be provided to the Governing Body as they move through the process.

Brent Trout stated regular updates would be provided to the Governing Body.

Councilmember Duncan requested the committee present all feasible options to the Governing Body for consideration, not just the options allowable in the budget.

The motion to extend the deadline carried unanimously on roll call vote. (10-0-0)

The following individuals submitted public comment via electronic mail: Andy Fry and Joseph Ledbetter (*Attachment A*)

PUBLIC COMMENT was expressed by the following individuals:

Joseph Ledbetter expressed concern with overspending of City funds and suggested all contracts in excess of \$50,000 be brought to the Governing Body for approval prior to approval by the City Manager. He requested the contracts include a scope of work and summary outline as well as a two-week notice to Governing Body members prior to approval.

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

Kelly Bogner, Assistant City Clerk, stated the next Governing Body meeting will be held on November 10, 2020.

Councilmember Ortiz reminded everyone to vote on November 3, 2020, for the General Election; and October was Fire Prevention Month and encouraged citizens to participate in the smoke alarm program being offered by the Topeka Fire Department.

Councilmembers Padilla and Naeger reminded everyone to vote on November 3, 2020, for the General Election and commended the Shawnee County Election Commission for offering voting options to citizens during the COVID-19 pandemic.

Councilmember Duncan stated he agrees with comments made by Joseph Ledbetter in regards to the Governing Body approving contracts in excess of \$50,000. He announced he plans to present a proposal to the Governing Body relating to approval of any consulting contracts that exceed \$50,000. He expressed the importance of voting and stated in 2021, he would like election day in November to be considered a City holiday by providing City employees a half-day off of work to allow time for them to vote.

Councilmember Lesser thanked the Forestry Department and the City Manager for promptly addressing a dangerous intersection by eliminating the overgrowth of trees.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 10 minutes to discuss confidential employment matters pertaining to nonelected personnel, as justified by KSA 75-4319(b)(1), in order to protect the privacy of those discussed. To aid in the discussion, the following individuals were present: Members of the Governing Body; Human Resources Director, Jacque Russell; and City Attorney Lisa Robertson. No action will be taken when the open meeting resumes in the Governing Body Chambers. The motion seconded by Councilmember Ortiz carried unanimously on roll call vote. (10-0-0)

Following a 10-minute time period, the meeting was reconvened into open session and Mayor De La Isla announced no action was taken.

Councilmember Ortiz moved to recess into executive session for a period of time not to exceed 45 minutes to discuss confidential employment matters pertaining to nonelected personnel, as justified by KSA 75-4319(b)(1), in order to protect the privacy of those discussed. To aid in the discussion, the following individuals were present: Members of the Governing Body and Human Resources Director, Jacque Russell. No action will be taken when the open meeting resumes in the Governing Body Chambers. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (10-0-0)

Following a 45-minute time period, the meeting was reconvened into open session and Mayor De La Isla announced no action was taken.

Councilmember Naeger moved to recess into executive session for a period of time not to exceed 45 minutes to discuss confidential employment matters pertaining to nonelected personnel, as justified by KSA 75-4319(b)(1), in order to protect the privacy of those discussed. To aid in the discussion, the following individuals were present: Members of the Governing Body and Human Resources Director, Jacque Russell. No action will be taken when the open

meeting resumes in the Governing Body Chambers. The motion seconded by Councilmember Lesser carried on roll call vote. Councilmember Ortiz voted “no”. (9-1-0)

Following a 45-minute time period, the meeting was reconvened into open session and Mayor De La Isla announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:45 p.m.



Brenda Younger
Brenda Younger
City Clerk

Attachment A

Kelly L. Bogner

From: Andy Fry <farmerfry@gmail.com>
Sent: Tuesday, October 20, 2020 4:59 PM
To: Kelly L. Bogner
Cc: City Clerk
Subject: Re: City Council Public Comment

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.

Kelly,

I'm sorry to hear that virtual contacts aren't being accepted currently. I hope that can be remedied soon. Below are my comments to share with the Council.

Thanks for helping me connect that way.

--Andy Fry

Thank you Mayor De La Isla and Councilmembers for the opportunity to share my thoughts and perspective on the City's Transportation Alternatives grant application. As a regular volunteer of the Topeka Community Cycle Project I applaud City staff's choices of projects to apply for the KDOT TA Grant. Pedestrian connections from neighborhoods to our existing Shunga and other trails is a low hanging fruit that will do wonders to make our existing trails even more of a backbone for transportation without cars in this time of economic distress. Similarly the proposed enhancements of the connections between downtown, East Topeka and North Topeka will be invaluable in making Topeka a better play to live, work and play via connecting folks to jobs and resources across the community. Thank you for support thus far and I urge your support of the resolution supporting the City of Topeka's 2020 TA application.

Thank you much,
Andy Fry
1622 SW Plass

Brenda Younger

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, October 13, 2020 2:03 PM
To: City Clerk; City Council; Neil Dobler; Tony Emerson; Michelle De La Isla; Michael Lesser
Subject: Fwd: S - s56562041_Redacted.pdf
Attachments: S - s56562041_Redacted.pdf

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Dear Governing Body:

Attached is a KORA Request I made ref. Woods Contract- ref Storm Water Ordinance.

Not , the spending CONTINUES! Total budget now \$500,000 from \$380,710.00 dollars. This is beyond ridiculous, and I have voiced my concerns and I request this communication be added to the Record of this discussion item.

My recommendation: I would like to see an immediate resolution passed, that ALL contracts, agreements, projects spending in excess of \$50,000 dollars require the prior approval of the City Council to be legally binding on the City of Topeka. Our spending is out of control by any standard I was taught, and it is Not transparent-because I am having to file a KORA request to find out things that the Council was not aware of. I believe we need much tighter rein on our oversight duties as the governing Board, and especially with the Utilities Dept. By the way we administratively transfer from Utilities to the City general fund, over \$600,000+ annually just for Engineering! And \$250,000 for the Legal Department. I am certain much of this work could have been done in-house. I am very concerned that hundreds of thousands, and even millions of dollars are being spent over time without prior Council knowledge and oversight. This must end!

----- Forwarded message -----

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Date: Mon, Oct 12, 2020 at 10:25 PM
Subject: S - s56562041_Redacted.pdf
To: Joseph Ledbetter <joe@josephledbetter.com>

Sent from my iPhone