

Governing Body Minutes – December 8, 2020

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, December 8, 2020. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers participating remotely: Hiller, Valdivia-Alcala, Ortiz, Emerson, Padilla, Naeger, Dobler, Duncan and Lesser - 9. Mayor De La Isla presided - 1.

Due to the increase of COVID-19 pandemic cases no in-person public comment was allowed. Zoom (virtual) meeting access was provided to those individuals signed up to speak to a specific item or general public comment. Public comment related to an item on the agenda was submitted in writing to the Office of the City Clerk, 215 SE 7th Street, Room 166, Topeka, Kansas, or via email at cclerk@topeka.org to be included as an attachment to the minutes.

AFTER THE MEETING was called to order, Joe Hishmeh, Fellowship Bible Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited virtually by meeting participants.

Councilmember Lesser moved to add an item to the agenda related to the City Manager's authority pursuant to TMC 10.60.010 (b) to waive the enforcement of certain parking regulations in the downtown area. The motion was seconded by Councilmember Emerson.

Councilmembers Hiller and Valdivia-Alcala asked for further explanation of the request.

Councilmember Lesser stated his intent was to extend the parking time limit downtown on Kansas Avenue, including the side streets from 2 hours to 4 hours, from December 9, 2020 until January 3, 2021.

The motion to add an item to the agenda related to the City Manager's authority pursuant to TMC 10.60.010 (b) to waive the enforcement of certain parking regulations in the downtown area carried unanimously on roll call vote. (10-0-0)

PRESENTATION on the 2020 City of Topeka Operating Budget Year End Forecast was presented by Stephen Wade, Budget and Performance Manager.

Councilmember Duncan asked how surplus funds are being used and what the process would be for allocating those funds.

Jessica Lamendola, Administrative and Financial Services Director, reported over the last decade the surplus funds have been used to supplement the General Fund. She stated the Governing Body has the option to allocate the surplus funds, if the Governing Body chooses to do this the recommendation would be to fund a one-time expense, rather than to support ongoing expenditures.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9202 introduced by City Manager Brent Trout, declaring the entire boundary of the City of Topeka for 2020, was presented.

APPROVAL OF MINUTES of the regular meeting of December 1, 2020, was presented.

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

PUBLIC HEARING and ORDINANCE NO. 20270 introduced by City Manager Brent Trout relating to the vacation of a 70-foot wide section of public right-of-way for SW Harrison Street that is adjacent with 2000 SW Topeka Boulevard in the City of Topeka, Shawnee County, Kansas. (V20S/3) (Council District No. 3)

Bill Fiander, Planning and Development Director, reported the request to vacate a section of public right-of-way will allow the owner of the adjacent property (applicant Sunflower Rental/Rick Wendland) to build an addition without the need for a setback variance and to provide improved secure vehicular access to the property. He stated the east half of the vacated

right-of-way will revert to Shawnee County Parks and Recreation who owns and maintains the adjoining Shimer Park. He noted Shawnee County has no objections to the vacation as indicated in the attached letter with recommendations for access and a fence; the easements for a public gas main and public storm sewer will be retained; and an easement for public access to the park would be provided as a condition of the vacation to retain access to the park from SW 20th Street. He reported no other property owners will be affected by the proposed vacation and City Departments and public utility agencies are not opposed provided the indicated easements are retained.

Mayor De La Isla opened the public hearing and asked if there was anyone who would like to speak to the matter. Upon no one appearing via Zoom meeting application, Mayor De La Isla announced the public hearing was closed.

Councilmember Ortiz 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.

PUBLIC HEARING

A PUBLIC HEARING for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds was presented.

APPROPRIATION ORDINANCE NO. 20271 introduced by City Manager Brent Trout, approving and adopting certain amendments to the operating budget for the City of Topeka for the year 2020, and appropriating the amounts for the purpose as set forth therein, was presented.

Stephen Wade, Budget and Performance Manager, reported approval of the budget amendments would increase the expenditure level of the 2020 Adopted Budget in specified funds

by 11,655,356 from \$4,039,749 to \$15,705,105. He provided a brief overview of each of the proposed budget amendments including the Federal Funds Exchange, Historical Asset Fund, Information Technology Fund and the CARES Restricted Fund. He reported due to revised projections, an amendment to the Tax Increment Financing (TIF) Fund would no longer be needed.

Councilmember Hiller inquired on the status of the CARES ACT funds that were required to be spent by the end of the year. She expressed the importance of tracking COVID-19 related expenses for reimbursement and adhering to required deadlines.

Jessica Lamendola, Administrative and Financial Services Director, reported that the City of Topeka has met all required deadlines through the reimbursement request for police and fire payroll related expenses. The City continues to track other COVID-19 expenses closely through a designated account as suggested by the City's outside accounts and internal experts. She mentioned there was an estimated \$2.1 million that will be rolled over to 2021 to be utilized as Public Health Emergency funds.

Brent Trout, City Manager, reported funds will expire at the end of 2022 for the Operation COVID-19 Basic Needs Assistance Program, and Staff continues to responsibly expend CARES ACT funding to ensure operations and assist the community as needed.

Mayor De La Isla opened the public hearing and asked if there was anyone who would like to speak to the matter. Upon no one appearing via Zoom meeting application, Mayor De La Isla announced the public hearing was closed.

Councilmember Emerson moved to adopt the ordinance. The motion seconded by Councilmember Lesser 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.

ORDINANCE NO. 20272 introduced by City Manager Brent Trout, establishing a service fee levy for 2021 relating to the Capital City Downtown Business Improvement District, was presented. (*Development Agreement Contract No. 20293*)

Vince Frye, Senior Vice President of Greater Topeka Partnership (GTP) and President of Downtown Topeka, Inc., reported approval would continue the imposition of business improvement service fees on businesses located within the Capital City Downtown Business Improvement District. He stated the fees are assessed based upon the square footage and location of the business and are used to provide a variety of services to downtown businesses. He provided a brief overview of each Cost Tier used to assess the fees and stated there were no proposed changes to the fee structure for 2021.

Councilmember Lesser asked for a list of vacant structures in the downtown area and how long the structures have been vacant.

Councilmember Lesser moved to adopt the ordinance. The motion seconded by Councilmember Hiller carried unanimously on roll call vote. (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.

Vince Frye announced he would be retiring at the end of 2020 and thanked the Governing Body for helping with the Downtown revitalization. He announced Rhiannon Friedman would serve as the incoming Downtown Topeka, Inc., President.

Mayor De La Isla and Councilmember Lesser thanked Vince Frye for his service and commitment to Downtown Revitalization.

ORDINANCE NO. 20273 introduced by City Manager Brent Trout granting the petition for a Community Improvement District (CID) for the Downtown Ramada Hotel & Convention Center; establishing the CID; and levying a CID sales tax of two percent (2%) within the CID, was presented. (*Contract No. 49093*)

Brent Trout, City Manager, reported the public hearing to consider establishing a community improvement district was conducted on December 1, 2020. He stated approval of the ordinance would impose a 2% sales tax on the retail sales and services within the District which will fund the improvements to the premises, all of which are identified in the ordinance. He reported the Developer has executed a development agreement as required by the City of Topeka CID Policy and staff recommends approval of the ordinance.

Jim Parrish, Jefferson Street Hotel Partners, LLC, was available for questions.

Councilmember Dobler moved to adopt the ordinance. The motion was seconded by Councilmember Naeger.

Councilmember Duncan stated he has no issues with the CID request and any other CIDs' currently in place. He reported he has requested Staff begin making adjustments as discussed to the City's CID Policy and Procedures.

The motion to adopt the ordinance 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.

RESOLUTION NO. 9203 introduced by City Manager Brent Trout, relating to the City of

Topeka's legislative agenda for the 2021 legislative session, was presented.

Brent Trout, City Manager, reported on December 1, 2020, the Governing Body discussed issues they would like addressed during the next Legislative Session and as a result of that discussion, Staff has added the priority to address abandoned housing and blight.

Councilmember Emerson moved to approve the resolution. The motion was seconded by Councilmember Ortiz.

Councilmember Ortiz asked if the COVID-19 pandemic would have an effect on the start date of the 2021 Legislative Session.

Whitney Damron, P.A., City of Topeka Lobbyist, reported State representatives are working on protocols to ensure the Legislative Session begins on schedule.

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

APPROVAL of the recommended 2021 Implementation Plan for the adopted Citywide Housing Market Study and Strategy was presented.

Brent Trout, City Manager, reported the item was discussed at the December 1, 2020, Governing Body meeting and Staff recommends approval.

Councilmember Valdivia-Alcala recognized approval of the Plan would be a good start; however, she will continue to push to have inequities addressed in the community as it relates to home ownership and rental properties for the African American and Latino populations. She expressed the importance of continuing to have meaningful dialog and working to finds solutions to these inequities in the community.

Councilmember Hiller referenced the many items that will need to be developed in 2021 from the Implementation Plan and noted the Plan would serve as a framework that will continue to develop throughout 2021.

Brent Trout stated the Plan will serve as guiding principles that will continue to be used for moving forward to address the housing issue in the community. He stated there will be a number of action plans to move forward in collaboration with various community organizations.

Councilmember Valdivia-Alcala moved to approve the recommended 2021 Implementation Plan for the adopted Citywide Housing Market Study and Strategy. The motion seconded by Councilmember Padilla carried unanimously on roll call vote. (10-0-0)

APPROVAL of the 2021-2025 Consolidated Action Plan and FY 2021 Annual Consolidated Action Plan and Budget was presented.

Brent Trout, City Manager, reported no change was being presented by Staff since presented at the December 1, 2020, Governing Body meeting. He stated the City's Consolidated Action Plan must be approved prior to the end of the year and Staff recommends approval as presented.

Councilmember Ortiz moved to approve the 2021-2025 Consolidated Action Plan and FY 2021 Annual Consolidated Action Plan and Budget. The motion was seconded by Councilmember Naeger.

Councilmember Hiller referenced the email she distributed to the Governing Body outlining her proposed amendments (Attachment A). She reported the amendment would not prohibit programming that has been completed thus far, it would however, allow for broader interpretation of the language. She expressed her appreciation and support of the neighborhood residents and requested the Governing Body support the amendment.

Councilmember Hiller moved to amend the 2021-2025 Consolidated Action Plan and 2021 Annual Consolidated Action Plan and Budget as distributed. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. (10-0-0)

The motion to approve the 2021-2025 Consolidated Action Plan and FY 2021 Annual Consolidated Action Plan and Budget as amended carried unanimously on roll call vote.

(10-0-0)

RESOLUTION NO. 9204 introduced by City Manager Brent Trout, describing the area to be considered priority for 2021 Planning Target Area for future federal and city funding as may be allocated within the 2022/2023 City budgets, was presented.

Brent Trout, City Manager, reported the item was discussed at the December 1, 2020, Governing Body meeting and Staff recommends approval as presented.

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

SELECTION and APPROVAL of a specific funding mechanism to incorporate into a License and Management Agreement with the Friends of the Topeka Zoo ("FOTZ") to manage the Topeka Zoo and Conservation Center pursuant to a Public Private Partnership ("PPP"), was presented.

Brent Trout, City Manager, stated Staff was seeking the initial guidance and decision on whether to move forward with a Public Private Partnership; how to fund Capital Maintenance costs; and how to address the operational budget funding shortfall of \$228,763 in 2021, which could be addressed through a mill levy increase, expenditure reductions or payment from reserves.

Councilmember Lesser moved to direct the City Manager to enter into a management agreement to have the Friends of Topeka Zoo manage the Topeka Zoo. The motion was seconded by Councilmember Ortiz.

Lisa Robertson, City Attorney, asked Councilmember Lesser if he would consider phrasing the motion differently as the management agreement was not yet ready for approval. She clarified the intent would be to direct the City Manager to pursue a Public Private Partnership (PPP) and move forward with a management agreement when ready.

Councilmember Lesser stated he concurs with City Attorney Robertson and stated the intent of the motion was to advise the City Manager to pursue a Public Private Partnership with FOTZ.

Councilmember Hiller questioned the directive to pursue a PPP prior to making funding decisions related to Capital Maintenance costs and covering the funding gap in the General Fund.

Brent Trout, City Manager, stated the motion confirms the support of the Governing Body to enter into an agreement with FOTZ to operate the Zoo. He stated the next items would provide the framework for the financial pieces of the partnership as Staff finalizes an agreement.

Lisa Robertson clarified the actions taken by the Governing Body to provide guidance to Staff will not come to fruition until an agreement was executed by both parties.

Councilmember Dobler clarified that the Governing Body was asking the City Manager to move forward with developing a license agreement that would come back before the Governing Body for approval.

The motion to direct the City Manager to pursue a Public Private Partnership (PPP) with the Friends of Topeka Zoo (FOTZ) carried on roll call vote. Councilmember Valdivia-Alcala voted “no.” (9-1-0)

Brent Trout reported the funding of the management fee and capital maintenance support have been separated, as the City historically funds the Capital Maintenance costs from its annual bond issuance. He stated there were three options discussed with Governing Body members (1)

Commit to funding it out of the City's Operating Budget requiring a reduction of \$380,000 in operations or revenue be increased by that same amount (2) Commit to an annual bond sale that includes \$380,000 for that purpose, and (3) Commit to issuing bonds in 2021 for the full value (\$5.7 million) of the 15-year commitment.

Lisa Robertson clarified Staff was requesting that the Governing Body provide directive on how they would like the City Manager to pursue funding for the Capital Maintenance piece of the partnership.

Councilmember Dobler asked if it would be a one-time bond issuance for the total amount of \$5.7 million or an issuance of \$380,000 annually. He also asked how much interest the City would pay for each option and if there would be any restrictions on how the funds are spent.

Brent Trout stated the intent would be a one-time issuance of bonds in the amount of \$5.7 million allowing FOTZ the ability to make funding requests to the City for projects as needed.

Jessica Lamendola stated both options could be considered; however, a one-time bond issuance allows more flexibility for FOTZ in regards to use of the funds and developing a more efficient Capital Maintenance Program.

Jeff White, Columbia Capital Management, LLC stated the City plans to issue taxable municipal bonds allowing flexibility in the spending of proceeds; and a one-time bond issuance would have lower overall costs and show commitment to the project. He stated as the City's Financial Advisor, they believe the City has the capacity to borrow the \$5.7 million to be included in the City's Capital program next year without creating future challenges for the program.

Mayor De La Isla asked if it would be an optimal time to borrow in terms of interest rates.

Jeff White stated in reference to the market, it was a good time to issue taxable bonds as it would have no impact on the City's statutory borrowing and they do not expect the additional debt will have an impact on the City's bond rating; however, this would exceed the \$9 million internal bond cap policy set by the City.

Councilmember Hiller stated according to her rough calculations, it would cost approximately \$52,000 annually in interest costs to finance \$5.7 million for 15 years. She suggested they find a way to allocate \$380,000 annually from the internal budget to FOTZ directly, and save money by eliminating the cost of interest; or borrow the funds and then release the funds to FOTZ for the purpose of operating the Zoo while the City provides oversight through a management agreement, void from day to day operations. She stated she strongly supports funding options that will have no bonding restrictions as well as no involvement by City Staff of day to day operations.

Jessica Lamendola reported the one-time approach was presented by the City Manager due to the overwhelming support from other Governing Body members. She highlighted the other options discussed with Governing Body members including finding the \$380,000 in the City's operating budget, which would require corresponding revenue enhancements or corresponding expenditure reductions; issuing \$380,000 of borrowed funds annually; and the one-time debt issuance to fund the term of the agreement. She stated in terms of the ability to borrow funds and then release the funds to FOTZ, there are various regulations relating to the use of funds; however, the City would ultimately be responsible to repay the debt as well as make certain the use of funds were being used appropriately and consistent with the agreement.

Councilmember Emerson stated he initially supported the bond funding option; however, he does not support the current amortization schedule as proposed.

Jeff White reported historically the City has funded Zoo Capital costs via its bond program which included the interest cost. He stated using cash out of the General Fund gives FOTZ more flexibility; however, it would be a net new cost to the General Fund out of the operating budget.

Councilmember Dobler stated he supports bonding the funds up front to provide the money necessary for FOTZ to effectively operate the Zoo as the taxpayers will fund the Zoo no matter what funding option was approved by the Governing Body. He requested the agreement include language that clearly states the allocation of \$5.7 million would be for the entire 15-year term agreement.

Councilmember Lesser asked Staff with the intent to reduce the cost of borrowing, if they have considered earmarking \$2.6 million of reserve funds for 7.5 years along with issuing \$2.6 million in bonds for 7.5 years

Jessica Lamendola stated this could be an option to consider; however, the use of one-time revenue to support on-going expenses would be against best practices. She noted the Governing Body could also consider approving a bond issuance of half the amount and revisit the remaining half in future years.

Councilmember Emerson asked if FOTZ would benefit more from receiving a lump sum up front or annual allocations. He questioned if receiving the total lump sum would have an effect on fundraising efforts by FOTZ.

State House Representative Fred Patton and FOTZ Board President, stated they believe the Capital Maintenance needs are greater than the \$380,000 annually as proposed in the

agreement; however, they anticipate receiving services at a reduced cost or donated. He noted they would not agree to less than \$380,000 annually and he was not sure how fundraising efforts would be effected.

Councilmember Hiller spoke in support of the funding option being proposed by Councilmember Lesser as it would provide a clear financial framework over the next 15 years. She expressed the importance of including the cost to issue bonds in the \$9 million bond cap set by the Governing Body.

Mayor De La Isla stated she would not support the use of reserve funds at this time due to the current COVID-19 pandemic situation and the uncertain financial future of the city.

Councilmember Emerson requested Staff provide different borrowing scenario options if there was not an urgency to approve a financial option at this time.

Brent Trout reported Staff would prefer to have a funding source determined at this time so they can move forward with the terms of the agreement.

Councilmember Valdivia-Alcala stated she concurs with Mayor De La Isa and will not support the use of reserve funds.

Councilmember Emerson moved to direct the City Manager to authorize the issuance of \$2.85 million in bonds for 7.5 years. The motion was seconded by Councilmember Lesser.

Councilmember Hiller expressed concern with making sure the amount approved was not included in the \$9 million bond cap; and not having a corresponding commitment to reduce the borrowing amount causing added cost to taxpayers of approximately \$430,000 annually to cover the cost of the Zoo's operating budget.

Councilmember Lesser reminded Governing Body members if an agreement was not secured the City will have to contribute much more than \$380,000 annually in Capital Maintenance costs as they move forward.

Brent Trout suggested language be included in the agreement to allow for a negotiation re-opener in 6-7 years.

Councilmember Emerson stated the proposal should give sufficient funding and time to determine how the partnership will work.

Pat Colley, FOTZ Board President, stated based on the capital improvement information they have received they would be comfortable with the proposal and receiving half the funding up front for 7.5 years.

Fred Patton spoke in support of the proposal and stated he looks forward to the partnership with the City.

Councilmember Ortiz commended FOTZ for their creative thinking in generating revenue for the Zoo. She cautioned against the use of reserve funds.

Jessica Lamendola asked if the intent of the proposal was to fund capital costs in the amount of \$380,000 annually for the full term of the management agreement.

Councilmember Emerson stated the intent of the proposal was to make certain FOTZ has sufficient funding for the first 7.5 years of the agreement.

Jessica Lamendola asked for clarification on the following items as it relates to the intent of the proposal:

- Issue \$2.85 million in bonds for 7.5 years
- The annual capital payment would be \$380,000
- The City would commit to funding capital in years 8-15
- The \$2.85 million would be included in the \$9 million bond cap

Councilmember Emerson requested Staff negotiate the amount of annual allocation for capital costs as he does not have a preference as his proposal only identifies the source of funding for the first 7.5 years; and in reference to the \$9 million cap he does not have a firm stance as the intent would be to make sure FOTZ has sufficient funding for the first seven years.

Councilmember Dobler made a friendly amendment to exclude the \$2.85 million bond issuance from the \$9 million bond cap in 2021.

Councilmember Emerson stated he would accept the friendly due to the fact it would be a one-time bond issuance. The second concurred.

The motion to direct the City Manager to authorize the issuance of \$2.85 million in bonds for 7.5 years and exclude that amount from the \$9 million bond cap in 2021 carried on roll call vote. Councilmembers Valdivia-Alcala and Ortiz voted “no.” (8-2-0)

Brent Trout stated the operational budget funding shortfall of \$228,763 in 2021 needs to be addressed with a corresponding decision point. He reported this could be accomplished with a mill levy increase, reduction in expenditures or use of reserve funds.

Councilmember Duncan expressed the importance of moving forward with caution as they work through the 2021 Operating Budget as well as taking into consideration how the 2022 Operating Budget would be crafted. He recommended the Governing Body provide a clear directive to Staff and consider using a portion of the 2020 surplus ending fund balance or reserve funds and make no cuts to the 2021 Operating Budget.

Councilmember Hiller questioned how the annual Zoo Operating Budget in the amount of \$479,000 would be absorbed in the City’s operating Budget. She stated she believes that amount should be reflected as part of the true budget shortfall.

Jessica Lamendola provided extensive detail on how the amounts being presented as a budget shortfall were calculated by Staff.

Councilmember Dobler suggested Staff find a way to cover the \$228,263 General Fund budget shortfall in the current operating budget.

Jessica Lamendola stated if it was the will of the Governing Body it could be accomplished through a reduction in expenditures.

Councilmember Duncan moved to designate a portion of the 2020 surplus ending fund balance in the amount of \$228,263 to cover the 2021 General Fund budget shortfall. The motion was seconded by Councilmember Emerson.

Jessica Lamendola stated using the projected surplus funds would be acceptable as a short-term option; however, they will have to consider cuts to the General Fund in future years.

The motion to designate a portion of the 2020 surplus ending fund balance in the amount of \$228,263 to cover the 2021 General Fund budget shortfall carried on roll call vote.

Councilmembers Valdivia-Alcala voted “no.” (9-1-0)

APPROVAL to extend the parking time limit in the Central Business District between the 400 block and 1200 block of Kansas Avenue, including all side streets, from 2 hours to 4 hours, beginning 12:01 a.m. on December 9, 2020, until 11:59 p.m. on January 3, 2021, was presented.

(This item was added to the agenda at the meeting.)

Councilmember Lesser stated the intent of granting the parking waiver was to encourage more shopping in the downtown area during the holiday season.

Councilmember Hiller asked if the request was in consultation with merchants and Downtown Topeka, Inc. (DTI) representatives. She commented on the importance enforcing

turnover in parking spaces to encourage increased shopping experiences and noted parking was already free of charge on evenings and weekends in the downtown area.

Councilmember Lesser stated he has consulted with business owners and representatives of Greater Topeka Partnership and they are in support of the request.

Councilmember Ortiz asked when the City discontinued free parking in the downtown area over the holiday season.

Hannah Uhlrig, Interim Public Works Director, reported staff would have no issue with the request and make adjustments for enforcement of parking accordingly. She stated she would inquire on when free holiday parking was eliminated in the downtown area and report back to the Governing Body.

Councilmember Lesser moved to extend the parking time limit in the Central Business District between the 400 block and 1200 block of Kansas Avenue, including all side streets, from 2 hours to 4 hours, beginning 12:01 a.m. on December 9, 2020, until 11:59 p.m. on January 3, 2021. The motion seconded by Councilmember Duncan carried unanimously on roll call vote. (10-0-0)

DISCUSSION regarding the imposition of a citywide curfew was presented.

Brent Trout, City Manager, provided an overview of why he believes the proposed ordinance was necessary and past experiences with a curfew was helpful in certain emergency situations. He clarified, he alone was proposing the ordinance and was open to amendments such as requiring entire Governing Body approval or sending the ordinance to a council committee for further review. He reported the Chair of the Shawnee County Commission currently has the authority to impose a curfew for seven days and the full Commission would have to vote to extend the curfew beyond that timeframe.

Councilmember Duncan questioned the need for the ordinance. He asked if the Governing Body already has the authority to enact a curfew through the City's emergency meeting protocol.

Lisa Robertson, City Attorney, stated the Governing Body has the authority to convene a meeting if there was an emergency situation, by enacting a citywide curfew through adoption of an ordinance; however, State law does not govern curfews in cities.

Councilmember Duncan stated he believes there are State laws in place to regulate curfews in cities. He requested an opinion on the matter from the Attorney General.

Councilmember Valdivia-Alcala stated she will not support the ordinance because the Governing Body can call an emergency meeting to enact a curfew.

Councilmember Lesser stated he supports the intent of the ordinance; however, concurs with Councilmember Duncan in regards to finding out if the Governing Body already has the authority to impose a curfew due to an emergency. He expressed the importance of including a provision in the emergency meeting protocol to allow the Governing Body to gather virtually.

Lisa Robertson stated currently the City does not have the authority to impose a curfew other than implementing the ordinance.

Councilmember Dobler stated he believes the mechanisms are in place that allow the County and State to impose a curfew if necessary.

Councilmember Hiller stated a curfew has been discussed in the past and citizens do not support the imposition of a curfew. She stated she believes there are already Topeka Municipal Codes in place to protect citizens and property during emergencies.

Lisa Robertson reported in the event of an emergency, the Emergency Operation Plan (EOP) goes into effect and the Shawnee County Commission has the authority to impose a

curfew; however, the intent of the proposed ordinance was to provide the City the ability to enact a curfew without having to ask permission from the County causing unnecessary delays during emergency situations and having the ordinance in place ahead of the need.

Councilmember Emerson expressed concern with the timing of the ordinance being presented as it relates to the current social climate. He stated he would not support the proposed ordinance now or in the future.

Councilmember Padilla stated he understands the intent of the proposal; however, he will not support the ordinance at this time due to the COVID-19 pandemic. He suggested emergency protocols be reviewed with the County and Emergency Services to make sure all emergency protocols are current and all work in unison for each type of situation.

Councilmember Naeger stated she concurs with Councilmember Padilla. She suggested Staff should review all emergency protocols with the County and emergency services in response to civil unrest, natural disasters or a healthcare situation.

Councilmember Emerson moved to extend the meeting past 10:00 p.m. for the purpose of completing the agenda. The motion seconded by Councilmember Ortiz carried on roll call vote. Councilmembers Ortiz, Padilla, and Dobler voted “no.” (7-3-0)

DISCUSSION regarding organizational and Topeka Municipal Code changes related to the elimination of the Neighborhood Relations Department, was presented.

Brent Trout, City Manager, reported during the 2020 budget process the Neighborhood Relations Department was abolished, causing the Community Engagement Division, Housing Services Division and Property Maintenance Division to be placed in other departments. He stated the Community Engagement Division has been working as part of the Executive Department; the Housing Services Division has been working as part of the Planning and

Development Department; and the Property Maintenance Division has been working as part of the Police Department, with oversight of the disposal of surplus City property assigned to the Legal Department.

Councilmember Valdivia-Alcala stated she would not support the elimination of Department of Neighborhood Relations (DNR) now or in the future, as neighborhoods are vital to the community. She stated there tends to be a lack of cohesion in the community and breakdown of communications with the Neighborhood Improvement Associations (NIA) and Staff members. She asked constituents to provide input to the Governing Body or the City Manager on the suggested changes.

Brent Trout stated he believes the change will benefit NIAs in the long-term as the Community Engagement Staff members that support the NIAs will now report directly to him, hopefully improving communications over the next year.

Councilmember Valdivia-Alcala stated those that work directly in the neighborhoods and with the citizens, for the most part, do not agree with the elimination of the department.

Councilmember Naeger asked if the changes are based on feedback and consideration of what works best for City operations.

Councilmember Emerson asked if there was an urgency to complete the ordinance changes by the end of the year and noted there are a lot of code changes to consider.

Brent Trout reported approval could be delayed until January 2021, as the daily operations of the divisions would continue as they have over the last six months.

Councilmember Padilla asked how much active input has been received from the groups that have been directly affected such as NIAs, NAs and citizens. He stated change will always

be difficult and assumptions are always made when changes take place. He expressed the importance of the City Manager being directly accessible to neighborhood representatives.

Councilmember Hiller expressed concern with not including the details of the internal functions of each division. She stated it was her understanding, the Governing Body was looking for more clarity on the internal workings of the Community Engagement Department for all levels of neighborhood groups as well as there are still a number of language revisions that need to be addressed.

Brent Trout stated he believes the communication will improve between City Staff and the NIAs and the changes were based on consultation with appropriate Staff and personal observation. He noted there was not a hard deadline for approval, however, the directive was a goal set by the Governing Body.

PUBLIC COMMENT was provided by the following individual via the Zoo meeting application:

Stephen Schiffelbien thanked the Governing Body for approving the 2021 Implementation Plan for the adopted Citywide Housing Market Study and Strategy.

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

Brenda Younger, City Clerk, provided an overview of the December 15, 2020, Governing Body meeting agenda.

Brent Trout, City Manager, announced the Operation Hand Sanitizer pop up event would be held December 9, 2020, from 9:00 a.m. to 12:00 p.m. at the Stormont Vail Events Center parking lot. He reported the Shawnee County COVID-19 Response Team has announced more COVID-19 testing site locations at Mt. Zion Baptist Church, Topeka Housing Authority, and

Hummer Sports Park. He stated the testing locations will be open Monday through Saturday from 9:00 a.m. to 5:30 p.m. daily.

Councilmember Valdivia-Alcala announced the first Fire Service Commission meeting would be held December 17, 2020, via Zoom meeting application at 6:00 p.m. She expressed deep concern with the routine closing of Fire Station No. 1 due to the lack of manpower and the effect it could have on the public safety of the Oakland and North Topeka areas.

Councilmember Ortiz announced the SE Carney Avenue and I-70 Interchange Improvement Project has been completed.

Mayor De La Isla announced due to the late hour, the executive session that was scheduled after the Governing Body meeting would be conducted after the December 15, 2020, Governing Body meeting.

NO FURTHER BUSINESS appearing the meeting was adjourned at 10:38 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

CITY OF TOPEKA CONSOLIDATED PLAN – STATED OBJECTIVES (2021 and 2021-2025 documents)

Proposed

The mission of the City's 5-Year Action Plan is to concentrate resources geographically to entice collaborative reinvestment from the private sector, promote identifiable impacts and enhance neighborhood health and sustainability. This mission is carried out through several programs and activities targeting the following objectives that are facilitated through the annual Action Plan:

- Enhance the quality of targeted Topeka neighborhoods
- Increase home ownership and rental housing opportunities
- Enhance the linkage of housing with supportive services
- Support Economic Development
- Leverage Federal resources

Requested Alternative

The mission of the City's 5-Year Action Plan is to **invest** ~~concentrate resources~~ **intentionally** geographically **in LMI neighborhoods** to entice **attract** collaborative reinvestment from the private sector, promote identifiable impacts and enhance neighborhood health and sustainability. This mission is carried out through several programs and activities targeting the following objectives that are facilitated through the annual Action Plan:

- Enhance the quality of targeted Topeka neighborhoods
- Increase home ownership and rental housing opportunities
- Enhance the linkage of housing with supportive services
- Support Economic Development
- Leverage Federal, **private and in-kind** resources