

Governing Body Minutes – March 9, 2021

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, March 9, 2021. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Emerson, Padilla, Dobler, Duncan, and Lesser - 6; and the following Councilmembers participating remotely: Valdivia-Alcala, Ortiz and Naeger - 3. Mayor De La Isla presided - 1.

Public comment for the meeting was available via Zoom or in-person. COVID-19 pandemic public safety mandates allowed for 15 people inside the Council Chambers to observe the meeting at one time. Individuals were required to contact the City Clerk's Office at 785-368-3940 or via email at cclerk@topeka.org by no later than 5:00 p.m. on March 9, 2021, after which the City Clerk's Office provided the Zoom link information and protocols prior to the meeting start time. Written public comment was also considered to the extent it was personally submitted at the meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at cclerk@topeka.org on or before March 9, 2021, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Father Tim Haberkorn, Sacred Heart Catholic Church & St. Joseph's Catholic Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Camille Nohe to the Topeka Board of Zoning Appeals to fill an unexpired term ending December 31, 2023, was presented. (*Council District No. 6*)

BOARD APPOINTMENT recommending the appointment of Doug Snook to the Board of Plumbing Examiners for a term ending December 31, 2022, was presented. (*Council District No. 7*)

BOARD APPOINTMENT recommending the appointment of Michael Bell to the City of Topeka Citizens Advisory Council for an expired term ending December 31, 2023, was presented. (Council District No. 1)

BOARD APPOINTMENT recommending the reappointment of Cassandra Taylor to the Topeka Landmarks Commission for a term ending December 31, 2023, was presented. (*Council District No. 7*)

BOARD APPOINTMENT recommending the reappointment of Grant Sourk to the Topeka Landmarks Commission for a term ending December 31, 2023, was presented. (*Council District No. 6*)

BOARD APPOINTMENT recommending the appointment of Del-Metrius Herron to the Topeka Planning Commission for a term ending September 30, 2024, was presented. (*Council District No. 6*)

Councilmember Dobler moved to approve the appointments. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. The Mayor does not vote. (9-0-0)

Board appointees Michael Bell and Del-Metruiis Herron were present via Zoom.

CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20284 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period January 1, 2021 through January 29, 2021, and enumerating said expenditures therein, was presented.

APPROVAL of the following Dance Hall licenses was presented:

<u>Business Name</u>	<u>Address</u>
El Gallo Mexican Restaurant	3501 SW Topeka Boulevard
Midwest Elks Lodge	1613 SE Madison Street

MINUTES of the regular meeting of March 2, 2021, was presented.

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

ORDINANCE NO. 20285 introduced by City Manager Brent Trout, concerning the Topeka Human Relations Commission amending City of Topeka Code Sections 2.255.030 and 2.255.040 and repealing original sections, was presented.

Brent Trout stated the ordinance was discussed at the March 2, 2021, Governing Body meeting. He reported Staff received no questions or comments and recommends approval as presented.

Councilmember Hiller 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: Hiller, Valdivia-Alcala, Ortiz, Emerson, Padilla, Naeger, Dobler, Duncan, Lesser and Mayor De La Isla -10.

DISCUSSION regarding the annexation ordinance for property located on the east side of SE Croco Road, approximately 300-feet south of SE 31st Street (Shawnee Woods No. 2 Subdivision), within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits Shawnee County, Kansas, was presented.

Bill Fiander, Planning and Development Director, reported the applicant was requesting annexation of a 23-acre property located on SE Croco Road. He stated the property lies within Tier 2 of the Urban Growth Area; Tier 2 areas are contiguous to the City and are the next priority

for Topeka's future urban growth since Topeka has already made service and infrastructure investments to the area. He stated the applicant proposes to build his house on a portion of the 23 acres; and the future plat would accommodate another 35 lots with the City providing sewer services. He reported the property was located within Shawnee County Rural Water District No. 8 and staff has determined the project would maintain rural water service. He stated Staff recommends approval of the ordinance at the March 16, 2021, Governing Body meeting.

Councilmember Emerson asked if building on the property was being constructed according to City building code requirements.

Bill Fiander stated he was not aware that any construction was taking place on the property; however, prior to annexation, the applicant could have requested authorization by Shawnee County. He reported he would research the details and report his findings to the Governing Body before moving forward with the request.

Councilmember Duncan questioned the delay in presenting the request to the Governing Body for approval and noted the Planning Commission approved the request in November 2020.

Bill Fiander reported the delay was due to questions concerning utilities and street costs and Staff has been waiting on the submission of the final plat.

DISCUSSION of the proposed 2022-2031 Capital Improvement Plan and 2022-2024 Capital Improvement Budget was presented.

Brent Trent, City Manager, reported the Governing Body discussed at the March 2, 2021, Governing Body meeting the possibility of taking advantage of historically low interest rates and increasing the City's debt to finance additional capital projects and infrastructure needs in the community. He stated because the City's debt fund was capable of supporting additional debt Staff has identified within the CIP additional projects (including mill and overlay) to move

forward in the schedule. He reported the proposed amendment listing the changes to the CIP was included in the agenda packet and distributed to the Governing Body.

Stephen Wade, Budget and Performance Manager, stated the average annual cost of the General Obligation Bonded projects for the first five years of the CIP would be slightly under \$11 million. He highlighted the following project amendments funded by increasing the GO Bond cap from \$9 million to \$11 million:

- (1) An acceleration of the South Topeka Boulevard Project from 29th to 37th Streets
- (2) An increase of \$500,000 annually for the Complete Streets Program for the following mill and overlay projects:
 - a. SW Urish Road from 21st to 29th Streets
 - b. SW 10th Avenue from Wanamaker to SW Gerald Lane
 - c. SW Huntoon Street from Executive Drive to SW Urish Road
- (3) An increase of \$100,000 for Infill Sidewalk/Pedestrian Plan with the intent to build a sidewalk on California Avenue between 10th and 12th Streets
- (4) Restore \$264,000 of funding to the Traffic Signal Replacement Program
- (5) Allocate \$500,000 annually to the FIRM program during the years 2023 to 2026
- (6) Accelerate the NW Tyler Street Project from Beverly to Paramore by one year
- (7) Allocate \$400,000 to Transportation Operations Fleet Replacement Program for the replacement of heavy equipment

Councilmember Emerson asked if the cost of the mill and overlay projects would be absorbed through the dollars saved in postponing road construction projects.

Jessica Lamendola, Administrative & Financial Services Director, stated Staff has not discussed that specific budget scenario.

Stephen Wade reported Mark Schreiner, Interim City Engineer, expressed no issues with the acceleration of the proposed list of projects.

Councilmember Hiller stated in recent years (past 10 years) it was her understanding the City paid for cash projects planned in the CIP out of the debt service fund, so in order to increase the bond cap, were any projects cut or was the money not budgeted.

Jessica Lamendola reported there were no projects cut to provide funding. She stated the funding of cash projects takes place as cash becomes available and the State of Kansas only allows debt service funds to pay for principal and interest.

Councilmember Lesser requested an update on the 17th Street project from the I-470 overpass to SW Wanamaker Road where the failed concrete was located. He noted he has received several complaints from motorcyclists as to the poor condition of the area.

Brent Trout stated he would provide the Governing Body a detailed update.

Joseph Ledbetter expressed concern with the use of CIP funds to maintain City parking garages; the purchasing process for heavy equipment; and the CIP budget approval process needing more oversight by the Governing Body. He spoke in support of funding the Polk-Quincy Viaduct project.

Councilmembers Hiller stated the Public Infrastructure (PI) Committee provides more oversight of the CIP approval process.

Councilmember Dobler stated the Committee provides review and recommendations for General Obligation Bonded Projects for Facilities; Sidewalks and Fleet Replacement; Citywide Half-Cent Sales tax projects with a total project budget of over \$250,000; and for projects \$250,000 or less, utilizing funds from the Citywide Half-Cent Sales Tax the Governing Body shall annually approve a list of projects.

Councilmember Emerson spoke to the fiduciary responsibility of the Governing Body as it relates to the approval of the CIP. He stated he believes the PI Committee provides additional oversight of the approval process without delaying the overall construction process.

Councilmember Duncan stated he would support increasing the GO bond cap from \$9 million to \$11 million for the next five years as proposed by Staff.

PUBLIC COMMENT was provided by the following individuals:

Leslie Fleuranges, Tender Loving Pet Care Nursing Hotel business owner, stated her business continues to struggle due to the COVID-19 pandemic as well as she was denied a City grant opportunity because her business was not open prior to March 2020. She reported the Department of Housing and Urban Development (HUD) has instructed her that the City has the authority to make the final decisions on grant approvals. She requested the City be creative in approving grants and consider different metrics for grant recipients.

Joseph Ledbetter referenced code enforcement issues throughout the city including the White Lakes Mall area; Beverly Court and City owned property located near SE 45th Street and SW Topeka Boulevard. He referenced repeated property code violations associated with property owners that live outside the city, county and/or state. He suggested the Governing Body consider the City's code enforcement be managed by Shawnee County for the purpose of allowing the District Attorney's office to prosecute violations as misdemeanor crimes.

Lazone Grays referenced an article published in the Topeka Capital-Journal in November 2020 that he also emailed to the Governing Body. He reported the article states the need for the City to invest approximately \$314 million to address affordable housing needs in focus areas. He suggested the City create a focus group to help organize City Staff and other organizations to discuss how to address the issue.

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

Kelly Bogner, Assistant City Clerk, provided an overview of the March 16, 2021, Governing Body meeting agenda.

Brent Trout, City Manager, announced the Shawnee County COVID-19 vaccine interest

survey assistance mobile pop-up clinic for persons 65 years of age and older will be held March 12, 2021, at 2910 SW Topeka Boulevard from 9:00 a.m. until 12:00 p.m.

Councilmember Duncan requested a discussion to consider the repeal of the All-Night Retailer's License be placed on the March 16, 2021, agenda with the intent to take action on April 6, 2021. He announced beginning April 3, 2021, he will hold open office hours for residents in District 8 on the first Saturday of each month from 9:00 a.m. to 11:00 a.m.; and the third Thursday of each month from 5:00 p.m. to 7:00 p.m. at Fairlawn Plaza Mall.

Councilmember Valdivia-Alcala announced a public meeting on March 28, 2021, at 2:00 p.m. in the Lundgren Elementary School gymnasium, 1020 NE Forrest. She reported meeting topics would include the enforcement of traffic laws, and how to address increasing drug problems in the Oakland area. She also announced a Public Infrastructure Committee meeting on March 15, 2021, at 2:00 p.m. in the Cyrus K. Holliday Building, 620 SE Madison Street.

Councilmember Emerson expressed his appreciation to Ms. Fleuranges for her comments and asked the City Manager to follow up on her request. He thanked Tony Trower, Street Operations Manager, who assisted with the maintenance of traffic lights in a timely manner.

Councilmember Padilla reported Chief of Staff Cochran would have an update to the Governing Body regarding the property located near SE 45th Street and Topeka Boulevard by the end March. He encouraged the JEDO Local Business Recovery Taskforce to assist businesses that may not qualify for other funding assistance. He paid public tribute to the late Darl Eugene Everett, retired Topeka Police Officer, who he believes was a great role model and the epitome of public service.

Councilmember Naeger recognized International Woman's Day and thanked her female colleagues for their service.

Councilmember Naeger moved to recess into executive session for a period of time not to exceed 60 minutes to discuss upcoming employer-employee negotiations, as justified by KSA 75-4319(b)(3). In order to aid the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; Chief of Staff, Bill Cochran; Administrative & Financial Services Director, Jessica Lamendola; Human Resources Director, Jacque Russell; Interim Police Chief, Bryan Wheelles; Fire Chief, Craig Duke; Senior Assistant City Attorney, Catherine Walter; Budget and Performance Manager, Stephen Wade; and City Attorney Lisa Robertson. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (10-0-0)

Following a 60-minute time period the meeting reconvened into open session and Mayor De La Isla announced no action was taken.

NO FURTHER BUSINESS appearing the meeting adjourned at 8:17 p.m.

(SEAL)

Brenda Younger
City Clerk