

Governing Body Minutes – April 13, 2021

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, April 13, 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, Dobler and Duncan - 4; and the following Councilmembers participating remotely: Valdivia-Alcala, Ortiz, Padilla, Naeger and Lesser - 5. 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 April 13, 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 April 13, 2021, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Duncan spoke in honor of the late Reverend Annie Hedquist, deacon at St. David's Episcopal Church, and asked for a moment of silent meditation in honor of all clergy facing difficult struggles through the COVID-19 pandemic.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of April 6, 2021, was presented.

APPROVAL of a dance hall license application for Skinny's Sports Bar & Grill located at 4016 SW Huntoon Street, was presented.

Councilmember Emerson moved to approve the consent agenda. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. Councilmember Ortiz did not vote due to technical difficulties. (9-0-0)

SELECTION of one City Council voting representative to serve a three-year term on the Friends Of Topeka Zoo ("FOTZ") Board of Directors was presented.

Mayor De La Isla reported the item was deferred from the Governing Body meeting of April 6, 2021, to allow Councilmember Lesser to be present to accept the nomination.

Councilmember Lesser accepted the nomination. He stated he looks forward to serving on the FOTZ Board and working on a Gage Park Master Plan. He reported that because he also serves on the JEDO Local Recovery Business Taskforce, he would respectfully request that the Mayor remove him from the Metropolitan Transportation Planning Organization (MTPO) Board because he would not have adequate time to serve on all boards.

The nomination of Councilmember Lesser to serve on the FOTZ Board carried unanimously on roll call vote. Councilmember Ortiz did not vote due to technical difficulties. (9-0-0)

ORDINANCE NO. 20291 introduced by City Manager Brent Trout amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 535 NW Broad Street from "PUD" Planned Unit Development with "M-1A" Limited Multiple

Family Dwelling District use group TO “I-1” Light Industrial District, was presented. (Z21/03)
(Council District No. 2.)

Bill Fiander, Planning and Development Director, reported the request to construct and operate a self-storage facility was consistent with the North Topeka West Neighborhood Plan as outlined in the Land Use and Growth Management Plan 2040. He stated on February 25, 2021, a neighborhood information meeting was conducted via Zoom, with no opposition expressed. He noted the Planning Commission and Staff recommend approval.

Mayor De La Isla stated prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and impartially consider the measure based only upon the evidence provided on the record. The record includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

Ex parte communication was declared by Councilmember Valdivia-Alcala.

Councilmember Valdivia-Alcala moved to adopt the ordinance. The motion seconded by Councilmember Emerson carried unanimously.

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.

APPROVAL of Policy and Finance Committee recommendations concerning review and adoption of future City of Topeka Building Codes was presented.

Councilmember Duncan, Policy and Finance Committee Chair, reported the Committee did not commence with a formal motion, however, there was a voiced consensus to update the building codes on an “as you go” basis, with the latest possible version available – 2021 Version by the end of 2021. He stated direction to Staff also included reducing the length of the typical review schedule to minimize delays and to be as efficient as possible with the review time.

Brent Trout, City Manager, stated Staff would be updating both the IEBC and the International Existing Conservation Code (IECC).

Councilmember Hiller asked if it was the intent of the Committee to have Staff minimize amendments in order to make City of Topeka building codes more comparable to neighboring cities with the goal of being more development friendly.

Councilmember Duncan reported there were not as many changes as they initially thought there would be switching from version to version; and each time the code has been updated a summary of those updates are included in discussions making the transition easier, resulting in significantly less changes.

Bill Fiander, Planning and Development Director, reported International Code Council (ICC) has offered to provide customized training for all stakeholders cutting the training time in half and allowing Staff to reach their goal by the end of 2021.

Councilmember Duncan moved to approve the Policy and Finance Committee recommendations concerning review and adoption of future City of Topeka Building Codes. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (10-0-0)

DISCUSSION concerning alarm system installers, amending Topeka Municipal Code Sections 5.15.020 and 5.15.030 was presented.

Jaime Dennis, Topeka Police Department Records Manager, reported approval would update this 2004 ordinance to recognize alarm installer certifications from the Electronic Security Association and any other nationally recognized testing/certification organizations. She stated Topeka Municipal Code requires an applicant to secure certification from only one entity - the National Burglar & Fire Alarm Association (NBFAA). That entity has evolved into the Electronic Security Association (ESA) so it is necessary to change the name in the ordinance. Additionally, a training entity known as the Complete Electrical Academy (CEA) has requested that it be included as an approved training/certification entity as well as there may be other training/certification entities that could request inclusion. She stated staff recommends the ordinance recognize all nationally recognized testing/certification organizations for a particular alarm installation. She noted the requirement would be consistent with the City of Wichita, which requires certification from either the ESA or any other national testing agencies that utilize tests designed for alarm systems.

Councilmember Duncan suggested using general language in the ordinance instead of naming a specific association eliminating the need for future amendments.

Councilmember Hiller questioned if Staff considered revising the qualifications of applicants and noted license appeals are typically due to qualification requirements.

Jaime Dennis reported no changes to the qualifications were proposed.

DISCUSSION concerning the reorganization of certain City departments was presented.

Brent Trout, City Manager, reported the proposed ordinance reflects organizational changes related to the elimination of the Department of Neighborhood Relations (DNR) causing the transfer of various divisions within City operations. He reported the primary changes include the following:

- Housing Services Division will serve under the Planning and Development Department
- Property Maintenance Division will serve under the Topeka Police Department
- Community Engagement Division will serve under the Executive Department (City Manager's Office) and includes the newly created Ombudsman position
- During the vacancy of the Public Works Director, the City Manager worked more directly with deputy directors of the Public Works Department and found a need to create Internal Operations as a separate department. The majority of the Department consists of Facilities, Fleet and Technical Support groups providing assistance to all City departments. Hannah Uhrig, Deputy Director of Public Works will also serve at the Internal Operations Director. At this time, the Parking Division will be a division of the Internal Operations Department because the City wants to continue the good working relationship with the downtown businesses that Deputy Director Uhrig has developed. He noted he has received positive feedback from Department Directors as it relates to the creation of the new department.
- The ordinance includes provisions related to the Community Action Council (CAC) and NIAs and their relationships with Community Engagement Staff.
- The Legal Department will assume the responsibility of the disposal of City surplus property.
- The ordinance includes various routine language revisions related to changes in operations.

Joseph Ledbetter spoke in opposition of creating a new department. He stated he believes the purpose of reorganization is to streamline processes and eliminate excess personnel specifically middle management. He expressed concern with the agenda process as it relates to having sufficient discussion on items and inefficiencies in the Property Maintenance Division.

Councilmember Valdivia-Alcala stated she agrees with Mr. Ledbetter. She referenced concerns expressed by NIA members about the elimination of DNR; access to other vital City neighborhood positions and resources; the status of SORT program and funding as well as many other items. She expressed deep concern with ongoing operational issues in the Property

Maintenance Division specifically as it relates to Council District 2. She stated she would oppose the reorganization as presented due to the opposition expressed by her constituents.

Councilmember Hiller stated she echoes some of the sentiment of Councilmember Valdivia-Alcala and appreciates the opportunity for discussion. She stated some of the comments made by the City Manager make sense in regards to internal services; however, she looks forward to reviewing the information in more detail. She referenced the DREAMS Program addressing funding as well as the relationship between the City and neighborhoods, and how the neighborhoods and the CAC see their roles. She noted that it appears there needs to be a much broader scope of the role of the CAC as well as the NIA description in the ordinance. She would like a better understanding of the intended role of each separate division director and the expected relationship with the neighborhoods. She questioned if the Planning and Development Director would serve as a member as well as the Chair of the Housing Trust Fund Advisory Board.

Councilmember Emerson asked if the NIAs have had an opportunity to review and provide input on the proposal and if the proposal needs approved within a set timeframe.

Brent Trout reported that he discussed the proposal with CAC on multiple occasions specifically concerning access to, and placement of, certain City departments. He stated the information was distributed; however, he cannot attest that all NIAs attended the CAC meetings and received the information. He noted the divisions have been operating under the proposed reorganization for approximately one year; however, the final approval of the reorganization plan must be approved by the Governing Body and codified.

Councilmember Emerson expressed the importance of streamlining the process and avoiding any unnecessary addition of new City positions, as well as, making sure the NIAs feel

like they are involved in the process. He asked if the language related to NIAs could be eliminated from the ordinance and approved separately to provide Staff additional time to present the information to all neighborhood associations. He expressed concern with CAC members making decisions for all NIAs.

Brent Trout reported they could approve language revisions concerning CAC and the NIAs at a separate time.

Lisa Robertson, City Attorney, reported Monique Glaude, Community Engagement Division Director, worked directly with the CAC to sync the bylaws and other suggested amendments with the ordinance language; and LaToya Burnett-Martinez, Community Engagement Division, worked directly with NIA members to gather input.

Mayor De La Isla requested Staff provide all NIA documentation and communications to the Governing Body.

Councilmember Dobler asked if the new Public Works Director was aware of the departmental changes.

Brent Trout stated because the reorganization had not yet been finalized at the time Mr. Jackson was hired it was not discussed in detail; however, Mr. Jackson is aware of the change and has the expertise to mentor and assist other divisions as needed.

Councilmember Valdivia-Alcala spoke in support of reaching out to all NIAs to allow them the opportunity to provide input. She stated she understands her role as a Council representative to communicate to NIAs; however, concerns have been raised about CAC members making decisions for NIAs as well as the lack of communication to NIAs by the City Manager regarding this matter.

In response, City Manager Trout reported the following:

- The elimination of the Department of Neighborhood Relations Director position and the newly proposed Internal Operations Department Director results in a salary savings.
- No other new positions for the Internal Operations Department are proposed.
- The intent of creating the Internal Operations Department is to improve access to other departments streamlining responsiveness to citizens.
- In December 2020, they discussed the proposed reorganization with the exception of the newly proposed Internal Operations Department.
- CAC proposed the changes related to CAC and Neighborhoods.
- He would better define how Staff plans to address and improve Property Maintenance issues.

Councilmember Duncan requested Staff provide an organizational chart and a summary of the true fiscal impact to citizens and the Governing Body so they have a better understanding of the overall organizational impact.

Councilmember Hiller challenged Staff to provide additional opportunities and time for the NIAs to provide input and work to develop a language foundation that was agreeable to everyone.

Councilmember Valdivia-Alcala announced the NIAs located in Council District 2 do not support the dissolving of the SORT Program and/or breakdown of funding.

PUBLIC COMMENT was provided by the following individual:

Joseph Ledbetter stated he has expressed his concern to the Governing Body for the last six years regarding code enforcement issues throughout the city. He referenced a code enforcement issue on SW Beverly Court in his neighborhood and questioned why it took over four months to resolve. (Attachment A)

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

Kelly Bogner, Assistant City Clerk, provided an overview of the April 20, 2021, Governing Body agenda.

Brent Trout, City Manager, announced the Topeka Fire Department paramedics in partnership with the Shawnee County Health Department have begun vaccinating homebound citizens; and the City of Topeka currently has 25 job openings and those interested can apply online at www.topeka.org. He also announced the CIP budget will be considered on April 20, 2021, and encouraged Governing Body members to contact Staff with questions before the meeting.

Councilmember Duncan announced he would host “Open House” hours from 5:00 p.m. to 7:00 p.m. at Fairlawn Plaza Mall on April 15, 2021. He reminded citizens that the “orange cones” located throughout the city means street repairs are in progress.

Councilmember Hiller stated Staff has begun distributing Street Sweeping notices. She referenced a newspaper article printed in the Topeka Capital-Journal on April 11, 2021, regarding her involvement with Topeka United and Mosiac Partner Pairs. She stated 98 people are involved in the program, working towards inclusion and equity in the community. She thanked Finance and Utilities Staff for CIP Supplement No. 6 detailing the Utilities Project.

Councilmember Valdivia-Alcala congratulated the new officers elected for the North Topeka West NIA and thanked Teresa Miller, former NIA President for her service and assistance. She expressed her appreciation for the March 2021 COVID-19 assistance information regarding small business grant programs and homeless emergency solutions grants. She asked if there is a way to track the COVID-19 Basic Needs Assistance Program loans and emergency loan funding. She expressed her frustration with zoning and property code issues that are still pending after six to eight months. She suggested Staff think of creative ways to resolve code issues for those individuals that receive fines and are not able to pay.

Brent Trout stated he would follow up with Staff regarding the COVID-19 Basic Needs Assistance Program numbers and distribute to the Governing Body.

Councilmember Ortiz thanked the firefighters at Station 7 for continuing to work during ceiling repairs. She offered her condolences to the family of Tony and Teresa Gavin.

Councilmember Emerson thanked Jim Martin for serving on the Parks and Recreation Advisory Board.

Councilmember Dobler expressed concern with the overall appearance of the City and the increasing number of complaints he has received related to property maintenance issues and trash. He stated he hopes the issues are addressed soon.

NO FURTHER BUSINESS appearing the meeting adjourned at 7:33 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

Brenda Younger

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Sunday, April 11, 2021 1:47 PM
To: City Clerk; City Council; Neil Dobler; Tony Emerson; Michelle De La Isla; Michael Lesser; Michael Padilla
Subject: The following is my opinion/ CIP OPPOSED TO ADDED EQUIPMENT IE:

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\$400,000 extra for dump trucks, other heavy equipment proposed by Manager

I was told we can have our streets cleaned 2 x per year for approx \$150 k per year by private sector vs 1/2 the streets per year by our "staff". We need to privatize street cleaning, street repairs, and forestry now. If our manager does not want to sign such contracts then perhaps we should find a manager(preferably who lives in Topeka now), that will. We need to start scrutinizing ALL of our costs and be open to challenging staff assumptions and what is deemed a necessary project- that's Oversight by a Board of Directors! (This Council and Mayor).

Also the current Council is not tied to past CIP decisions of previous councils. Those can be changed. Let's start SAVING tax payer, and rate payer monies!

That is Always a good idea! Thank you.

Brenda Younger

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, April 13, 2021 4:08 PM
To: City Council; Michael Lesser; Michelle De La Isla; Neil Dobler; Tony Emerson; City Clerk; Spencer Duncan
Subject: These are my comments only. I am Opposed to this new Department :

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Dept. of Internal Operations. Start cutting costs instead of dreaming up new positions that save Nothing. One more position to cut9the proposed Dept. Head).

Privitize Forestry-contract out to private tree companies.

Sell off the Parking Garages, at least a few at a time. I had a buyer/developer who was interested a few years back.

And privitize-contract out street cleaning and street repairs. It's obvious after ten years our own staff is NOT the answer.

I would even propose privatizing code enforcement after the fiasco that it has been for the past twenty years.

Joseph Ledbetter/ City taxpayer, voter

Brenda Younger

From: cwiliet@aol.com
Sent: Friday, April 9, 2021 10:55 AM
To: City Council
Cc: City Clerk
Subject: Agenda Item

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.

Re: April 13th Council Meeting - Item 3D
"Ordinance - Departmental Reorganization Ordinance"

When reviewing this item for discussion and possible decision are you reviewing the overall city organization to make sure this peace meal approach is the correct decision structure to maximize operational efficiency and decision making? As times change good business recognizes the need to review organizational efficiencies and staffing **from type of jobs to job descriptions**. As a part of this recommendation are those factors being considered as a part of this reorganization request? I would hope that you do a thorough review with your due diligence with this request and look at the whole picture and sub parts not just a surface review for a partial organizational re-structure.

Respectfully submitted,

Clark W. Trammell