

Governing Body Minutes – April 20, 2021

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, April 20, 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 20, 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 20, 2021, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Duncan provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

A PRESENTATION on Senate Bill No. 13 was presented by Bill Cochran, City of Topeka Chief of Staff. *[Senate Bill No. 13: An Act concerning property taxation; relating to tax levy rates, establishing notice and public hearing requirements prior to approval by a governing body to exceed its revenue neutral rate and discontinuing the city and county tax lid; prohibiting valuation increase of real property solely as the result of normal repair, replacement or](#)*

maintenance; establishment of a payment plan for the payment of delinquent or non-delinquent taxes; amending K.S.A. 79-1460, 79-1801, 79-2024 and 79-2925c and repealing the existing sections. He provided an overview of the required process and dates involved in the Act. He reported the City will receive the revenue neutral rate calculated by the Shawnee County Clerk by June 15, 2021, and if the intent of the Governing Body was to exceed the revenue neutral rate, the Shawnee County Clerk must be notified by July 15, 2021. He stated a public hearing and adoption of a budget must take place between August 20, 2021 and September 20, 2021, and the overall budget certified to the Shawnee County Clerk by October 1, 2021.

Councilmember Dobler asked if staff could begin preparing the 2022 Operating Budget based on last year's tax levy rate.

Councilmember Duncan questioned which taxing entities will be required to pay postage for public hearing notices and if Staff has begun working on a projected budget in order to better understand what fiscal impacts may result in the change in process.

Councilmember Hiller expressed concern with the language of the Act as it relates to prohibiting valuation increase of real property solely as the result of normal repair as well as replacement or maintenance. She asked if there would be need to research this issue to see how it may affect Neighborhood Revitalization Plan (NRP) properties.

Brent Trout, City Manager, confirmed Staff plans to begin working on projections for the 2022 Operating Budget.

Bill Cochran stated all taxing entities that choose to go above the revenue neutral rate would pay postage.

Jessica Lamendola, Administrative and Financial Services Director, reported Staff plans to calculate what expenses will be without significant cuts as well as projected revenues in May

2021. She stated Staff would use the amount levied last year and calculate the budget gap and present those numbers to the Governing Body towards the end of June; and by July 15, 2021, the Governing Body must decide and vote on the revenue neutral option.

Councilmember Duncan asked staff to clarify when the new budget process relating to Senate Bill No. 13 would begin.

Bill Cochran stated the bill process would begin this year.

A PRESENTATION on the 2020 City of Topeka 4th Quarter Financial Report was presented by Jessica Lamendola, Administrative and Financial Services Director.

Councilmember Emerson referenced the 5-year total for the Capital Improvement Budget (CIB) and noted only \$290 million of the \$527 million has been spent. He spoke in opposition of approving the overall 10-year Capital Improvement Plan (CIP) until the accumulation of outstanding projects has been reviewed in detail to determine the status of each project.

Councilmember Valdivia-Alcala stated she concurs with Councilmember Emerson and questions if there may have been a duplication in expending project funds.

Councilmember Dobler questioned the status of outstanding projects and associated financing mechanisms. He suggested hiring additional Staff if needed to assist with the cleanup of the City's accounting system.

Councilmember Ortiz expressed the importance of updating project lists before approving the CIP and noted plans for Fire Station 13 were abandoned; however, it is still included on the list.

Councilmember Hiller referenced the high number of open projects listed in the proposed CIP and expressed her support of researching projects in detail to determine if those amounts are actually needed.

Jessica Lamendola reported the closing out of projects in the City's financial system has improved significantly over the past two years and continues to improve. She offered to meet with Governing Body members to help clarify any questions they have related to the status of projects. She made the following comments:

- As departments initiate projects they are simultaneously entered into the City's financial system.
- In reference to bonded projects, the City receives the bond funds and allocates those funds in the City's financial system to the respective projects.
- If a project completes under budget or cancelled, the project is closed in the general ledger system and the funds are placed in the debt service fund to pay down the related debt, creating a surplus of property taxes in the debt service fund.
- The Governing Body will have numerous opportunities through quarterly reports to review the status of projects.

CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of April 13, 2021, was presented.

APPROVAL of a Cereal Malt Beverage license application for Mi Tierra located at 1116 SE 6th Avenue, was presented.

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

RESOLUTION NO. 9215 introduced by City Manager Brent Trout cancelling the Governing Body Meeting on July 20, 2021, was presented.

Brent Trout, City Manager, reported the Topeka Municipal Code Section A2-30(a) requires that the Governing Body meet at least two times each month. He stated Staff recommends cancelling the Governing Body meeting scheduled on July 20, 2021, so that Governing Body members may attend the Greater Topeka Partnership annual meeting.

Councilmembers Duncan and Lesser spoke in opposition of cancelling the meeting.

Councilmember Hiller noted the cancellation of the July 20, 2021 meeting would leave a four-week gap between Governing Body meetings possibly affecting the budget process.

Councilmembers Naeger and Valdivia-Alcala spoke in support of calling a special meeting if needed.

Councilmember Duncan suggested changing the Governing Body meeting date to July 27, 2021.

Councilmember Duncan moved to approve the resolution as amended by changing the Governing Body meeting date from July 20, 2021 to July 27, 2021. The motion seconded by Councilmember Padilla carried unanimously on roll call vote. (10-0-0)

ORDINANCE NO. 20292 introduced by City Manager Brent Trout, concerning alarm system installers, amending Topeka Municipal Code Sections 5.15.020 and 5.15.030 and repealing original sections, was presented.

Brent Trout, City Manager, reported the Governing Body discussed the ordinance at the April 13, 2021, meeting and staff recommends approval as presented.

Councilmember Dobler moved to adopt the ordinance. The motion seconded by Councilmember Valdivia-Alcala carried unanimously. (9-0-0) The Mayor did not vote. (*The proposed ordinance involved a matter of home rule on which the Mayor has veto authority.*)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Padilla, Naeger, Dobler, Duncan, and Lesser -9.

RENEWAL of Real Estate Lease Agreement between the City of Topeka and the Kansas Military Board for the use of National Guard Armory as a training facility for the Topeka Police Department was presented. (*Contract No. 49449*)

Bryan Wheelles, Interim Police Chief, reported the Topeka Police Department must continually assess and update the training programs and ensure adequate training facilities are available to its officers and staff in order to meet modern demands. He stated the Topeka Police Department would like to continue rental of 6,938 square feet of office space and 15,535 square feet of floor space at the National Guard Armory at 2722 SW Topeka Boulevard for police operations and training.

Councilmember Lesser inquired on the lease termination clause.

Interim Police Chief Wheelles reported a 90-day written notice would be required.

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

A RESOLUTION introduced by City Manager Brent Trout, authorizing and adopting the 2022-2031 Capital Improvement Plan and the 2022-2024 Capital Improvement Budget and approving the project budgets attached, was presented.

Brent Trout, City Manager, stated based on the previous discussion during the City of Topeka 4th Quarter Financial Report he understands the approval will not take place at this time; however, he would still request the Governing Body members continue discussion on issues they want addressed in the CIP.

Councilmember Hiller thanked Staff for their work. She stated she echoes the sentiment of other Governing Body members and noted there has been a lot of information to process. She stated the funds the City would be using to finance CIP projects total \$13-\$14 million and suggested optimizing the budget with the cash available. She proposed that the Governing Body send their full set of recommendations to Staff for review and revert to the \$9 million bonding cap. She also requested adding an additional \$2 million per year to the budget for additional mill

and overlay projects for at least two years; address the entire curb and cutter backlog over the next two years; and then review and prioritize again with all of these items in mind. She stated with her suggestions it appears the numbers would work and there would be comfortable balances in the budget and the City would be in a better position regarding the CIP.

Councilmember Emerson referenced the \$47 million in COVID-19 Relief Funds and asked how those funds could be spent. He questioned the funded amount for utility projects and corresponding revenue bonds.

Brent Trout stated the current guidance received on the language of the COVID-19 Relief Bill relates to the use of funds for broadband internet, water and sewer projects; however, specific regulations are unknown at this time. He stated relief funds could be utilized for a number of other projects such as tourism as well as helping businesses with various issues. He stated it would be the decision of Governing Body to determine the bond cap.

Councilmember Hiller requested sufficient time for the Governing Body to review the newly proposed CIP and asked when they can expect to receive it.

Brent Trout stated he does not have a date certain; however, he will work with Staff and provide an update to the Governing Body.

Councilmember Dobler suggested Staff start with the comparison of proposed projects in the CIP for approval verses the overall CIP project list; and noted they would need to address the remaining projects on the list. He expressed the importance of not hindering the progress of CIP projects and noted he was not firm on his decision keep the bond cap at \$9 million. He spoke in support of using COVID-19 Relief Funds where possible.

Councilmember Duncan stated he concurs with the comments from Councilmember Hiller with the exception of keeping the bond cap at \$9 million. He encouraged Staff to take advantage of low interest rates as well as the use of COVID-19 Relief Funds.

Councilmember Hiller stated the management of projects requires successful pacing of projects and optimal use of dollars.

Joseph Ledbetter spoke in opposition of approving the 2022-2031 Capital Improvement Plan and the 2022-2024 Capital Improvement Budget. He commended the Governing Body for vetting the projects and asking the tough questions. He spoke in support of privatizing certain operations such as street sweeping, street repairs and forestry duties all resulting in lower operational costs. He questioned the details of the \$3 million utility project budget.

Brent Trout suggested deferring the resolution until May 11, 2021, with possible discussion on May 4, 2021.

Councilmember Emerson moved to defer the resolution until May 11, 2021. The motion seconded by Councilmember Ortiz carried unanimously on roll call vote. (10-0-0)

A RESOLUTION introduced by City Manager Brent Trout, declaring the necessity to repair, alter, reconstruct, enlarge or improve the City's water, water pollution, and/or stormwater utility system through improvement projects authorized by Resolution and providing Notice of Intention authorizing the issuance of revenue bonds in the manner required by K.S.A. 10-1201, et seq., was presented.

Brent Trout, City Manager, requested to withdraw the resolution.

Upon hearing no objections, Mayor De La Isla announced the resolution would be withdrawn from the agenda.

DISCUSSION related to the Downtown Master Plan to be adopted as an element of the City's Comprehensive Plan. (CPA21/02), was presented.

Brent Trout, City Manager, stated Planning and Development Director Bill Fiander would provide a summary version of the Downtown Master Plan.

Bill Fiander, Planning and Development Director, reported over the last 18 months, the Planning and Development Department, has been working with a myriad of downtown stakeholders to develop a vision for the next ten years and beyond. He stated the Downtown Master Plan sets forth a ten-year plus vision that aligns nine district plans, with goals and strategies that will guide Downtown's physical development, land use, and infrastructure in a comprehensive manner that recognizes the desire to increase the quality of life in Downtown Topeka. The foundational objectives of the Plan include a Downtown that is welcoming, activated, resilient and connected. He summarized the Plan as follows:

Part I: Downtown Context - The background, plan purpose, goals and objectives and existing conditions for the Downtown Study Area are included in this section, while expanding on market conditions and incentives for Downtown Topeka.

Part II: District Plans: The Downtown is divided into nine different districts: Capitol, - Civic, Historic Kansas Avenue, NOTO/River North, Office and Catalyst, River to Rail, River South, Tower, Van Buren. Each district plan consists of a history, district brand, potential build-out, circulation/complete streets, land use, zoning, and implementation summary. Breaking down the full study area into district plans allow for a more in-depth look at the existing conditions and shows potential sites for new development or conversions that align with the goals and objectives outlined in Part I of the Downtown Master Plan.

Part III: Implementation: Part III provides the "Big Ideas" or takeaways for an implementation path including land use allocations by district, roadway projects, and a future zoning map. Information from the Downtown Topeka Citizen Input Survey (Appendix B) sheds light on what citizen's view as important vs. what is perceived as a public need, and provides additional context as to how each new development can impact the greater Downtown footprint.

Appendix A – Urban Design Standards: The Downtown Topeka Urban Design Standard provides the regulatory authority to ensure new construction and renovation of existing structures is consistent with the established urban form of Downtown Topeka. Design Standards are applied to non-residential and mixed-use buildings, parking facilities, and residential buildings. Within each section site design, materials, and architectural detailing are defined. These standards would be applied to both public and private projects that fall within the planning area.

Appendix B – Downtown Topeka Citizen Input Survey: From January 25 to March 1, 2021 the City of Topeka received input from the public related to the Downtown Master Plan. During that time, 178 responses were collected. This appendix provides the responses to the four questions found in the survey including 105 comments.

Councilmember Naeger asked if future building designs would support green initiatives.

Councilmember Valdivia-Alcala asked if there was consideration given to implementing building codes that are eco-friendly as it relates to the Master Plan and if it could help address the food desert situation in the downtown area.

Councilmember Lesser questioned if there would be an advantage to using JEDO economic development funding to help subsidize the building of a grocery store in downtown to address the food desert situation.

Councilmember Padilla asked if they incorporated green spaces in some of the districts. He stated he concurs with Councilmember Lesser and believes subsidizing businesses that address food desert situations or provide basics needs would be more acceptable than a large chain grocery store. He encouraged Staff to think innovatively and create public private partnerships.

Bill Fiander reported future development depends a lot on the pace of development and the market specifically as it relates to recovering from the COVID-19 pandemic. He stated eco-friendly building codes were not included in this plan; however, in general there is a citywide International Energy Conservation Code (IECC). He stated a centralized location for a grocery store in downtown would be ideal and considered economic development.

Rhiannon Friedman, President of Downtown Topeka, Inc. stated she agrees with statements made by Governing Body members. She reported Downtown Topeka has been working to figure out ways to encourage housing in conjunction with needed services as well as how to incorporate green spaces such as community gardens and dog parks.

Councilmember Naeger reported the Policy and Finance Committee was currently discussing the citywide IECC and requested ideas and suggestions related to ecofriendly building codes and green spaces be provided to the Committee for consideration.

Bill Fiander agreed it would be a good time to discuss the initiatives and he will work with the City Manager on a plan to do so as they consider the IECC.

Councilmember Hiller commended Bill Fiander and Staff members for a job well done. She referenced the city growing organically and building infrastructure based on the market demand. She referenced discussions related to energy conservation and the walkability of the proposed plan; the many green spaces already in place to consider; and the need to research the type of grocery store local residents would utilize.

PUBLIC COMMENT was submitted via electronic mail by Joseph Ledbetter.

(Attachment A)

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

Councilmember Hiller announced Administrative Professionals Day on April 21, 2021 and the Kansas River Weir Project was complete.

Councilmember Valdivia-Alcala announced on April 25, 2021, at 2:00 p.m. at Lundgren Elementary School, Shawnee County District Attorney Mike Kagay, has been invited to continue discussion on prevention of drug houses and crime in the Oakland community. She announced

the grand opening of Doughboyz Pizzeria located at 1312 N. Kansas Avenue. She thanked Doughboys Pizzeria for donating pizza to Oakland Community Garden volunteers as well as local businesses and volunteers for their help in creating the Oakland Community Garden.

Councilmember Padilla announced he attended the ground opening of SENT Prep School and Earth Day is on April 22, 2021.

Councilmember Naeger announced April is National Child Abuse Prevention Month. She stated if someone is aware of an abused child to please call the Child Protective Services number at 800-922-5330 or file a complaint at www.dcs.com.

NO FURTHER BUSINESS appearing the meeting adjourned at 9:28 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

Kelly L. Bogner

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, April 20, 2021 11:12 AM
To: City Clerk; City Council; Neil Dobler; Tony Emerson; Michelle De La Isla; Michael Lesser; Spencer Duncan
Subject: CIP Budget

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.

I am NOT in favor of passing this tonight. We still have work to do on cutting expenses including personnel, IE Forestry that is costing \$830,000 per year, and has 9 people. That is alot per person. I would like to see forestry privatized, along with Street sweeping, and Street repairs. We won't need so much equipment after that. I would also like to see the parking garages sold off and those expenses go away.

Joseph Ledbetter MPA, JD