

Governing Body Minutes – July 6, 2021

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, July 6, 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, Valdivia-Alcala, Emerson, Padilla and Duncan - 5; and the following Councilmembers participating remotely: Councilmembers Ortiz, Naeger, Dobler and Lesser- 4. Mayor De La Isla presided - 1.

Public comment for the meeting was available via Zoom or in-person. 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 July 6, 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 July 6, 2021, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Valdivia-Alcala, provided the invocation, a reading by Grace Alvarez Sesma, Elder Chicana Indigenous Healer.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Travis Gooden to the City of Topeka Board of Electrical Appeals for a term ending July 6, 2023, was presented. (*Council District No. 6*)

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

Mayor De La Isla left the meeting.

A PRESENTATION on Strategies Against Violence Everywhere (S.A.V.E.) was presented by Shawnee County District Attorney, Mike Kagay, and S.A.V.E Program Manager, Lindsey Anderson. S.A.V.E. is a group violence intervention program designed to bring together community members, law enforcement agencies, businesses, nonprofits and social service providers to find new ways to address violence locally.

Councilmember Valdivia-Alcala asked if the City plans to allocate funds to the program. She inquired on the evidence based information as it relates to committing crimes and how the term “groups” would be defined; if violent crimes include more than gun violence; and what would be considered community “norms”. She also asked if they have interacted with those groups who are the “grass roots” of the community.

Brent Trout, City Manager, reported the City plans to allocate \$30,000 to the program in 2022.

District Attorney Kagay stated the term “group,” would be used in the general sense of the word, not based on race, gender or ethnic background; violent crimes include crimes associated with guns, knives and other acts of violence; and the program seeks to intervene and redirect individuals.

Lindsey Anderson reported the program would address the specific needs of individuals and eliminate the stigma of across the board “norms”. She stated they continue to work to reach every area of the community even those not affiliated with a specific organization or faith.

Councilmember Hiller inquired on the volume of change expected through the S.A.V.E program.

District Attorney Kagay stated they hope to make a difference by reducing violence, changing the mindset of the community, and saving lives; however, they are only in the initial building phase of the program so there are no specific matrix in mind. He noted other communities that have implemented the program have experienced a 40-60% reduction in crime.

Councilmember Ortiz requested the Governing Body receive a copy of the S.A.V.E Program Strategic Plan and questioned if the Plan includes children and young adults. She recognized their ongoing effort to address the issues; however, many individuals have requested to be educated on how to get help.

Councilmember Valdivia-Alcala expressed the importance of addressing the systems that have created the problems not just the individuals. She stated there continues to be a need to address systemic issues of the community such as poverty, education, living wage and housing.

District Attorney Kagay reported the strategic plan would include both children and young adults and supports the outreach position by providing support to individuals and families where needed the most.

Deputy Mayor Padilla spoke in support of the Program and stated it provides a unique way to address the elements of situations to avoid repeat behavior has mentioned by Councilmember Valdivia-Alcala. He expressed the importance of the outreach person providing customized assistance as needed for each situation.

District Attorney Kagay thanked the City Manager and Governing Body for allowing him to present on the new program initiative. He stated he looks forward to working with the City on reducing violent crime in the community.

Councilmember Ortiz expressed the importance of including court appointed officials in the solution to address systemic issues.

Councilmember Dobler spoke in support of the S.A.V.E. Program. He stated he looks forward to the positive impact it will have on the community.

Councilmember Naeger thanked District Attorney Kagay for his work in implementing the S.A.V.E. Program, a clear “call for action” by the entire community.

Councilmember Lesser expressed his appreciation to District Attorney Kagay for his work on the program and stated he looks forward to seeing it progress.

AN OVERVIEW on City of Topeka Economic Development Incentives, including Senate Bill No. 13 was provided by Jeff White, Financial Advisor, Columbia Capital Management, LLC.

Councilmember Naeger asked how much TIF Funds are collected annually and if there was a mechanism to veto the project if needed.

Councilmember Emerson inquired on how TIF Funds would have an effect the Revenue Neutral Rate (RNR).

Councilmember Duncan referenced unintended consequences of the language of Senate Bill No. 13 as it relates to economic development. He asked if it would be in the best interest of the City to override the RNR each year to accommodate new development, and if the City should make a request to the State Legislature to correct the language.

Councilmember Hiller asked if other cities have drafted a policy to address the RNR as it relates to economic development.

Jeff White reported TIF projects are typically pay-as-you-go projects and the ability to veto a TIF district happens at the district level (county and school district). He stated he believes the process of the TIF allocations was an unintended consequence and/or oversight of Senate Bill No. 13 as any new economic development would be new tax dollars above the RNR. He

reported the City of Olathe, Kansas, created a policy approved by their Governing Body that would assume overages would always be for new tax dollars related to economic development.

Brent Trout stated if the Governing Body wants to exceed the RNR a public hearing must be conducted between August 20 and September 20, 2021.

Deputy Mayor Padilla thanked Staff for providing the presentation clarifying the new budget process for 2022.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9230 introduced by Councilmember Christina Valdivia-Alcala granting Destino Ramos an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. (*Council District No. 2*)

APPROVAL of the following Cereal Malt Beverage license applications were presented:

<u>Business Name</u>	<u>Address</u>
29 th Gas & Shop	1611 SE 29 th St.
California BP	2740 SE California Ave.
Haag's Express	1001 SW Wanamaker Rd.
Holiday Square 66	2901 SW Topeka Blvd.
I-70 BP	1000 SW Wanamaker Rd.
Kicks 66	3300 SW Gage Blvd.
Lakeview 66	3000 SE Croco Rd.
Max's at Huntoon	1301 SW Gage Blvd.
Oakmart BP	2518 NE Seward Ave.
Plaza BP	1401 SW Huntoon St.
Supermart El Torito	3000 NW Topeka Blvd.
The Goose Express	2901 SE Fremont St.
Valero	2044 NW Tyler St.
White Lakes 66	931 SW 37 th St.

MINUTES of the regular meeting of June 15, 2021, was presented.

Councilmember Valdivia-Alcala commented on the local efforts being made to support a scaled down version of the annual Fiesta Mexicana celebration through the Santa Fe Park event.

She thanked Mr. Ramos for his work and others to help keep the Fiesta Mexicana tradition alive in 2021, as the community recovers from the COVID-19 pandemic.

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

RESOLUTION NO. 9231 introduced by City Manager Brent Trout relating to the establishment of a district planning committee to advise the governing body regarding establishment of a business improvement district for the NOTO Arts and Entertainment District, was presented.

Brent Trout, City Manager, stated the NOTO Arts and Entertainment District was requesting the formation of a business improvement district.

Thomas Underwood, Executive Director, NOTO Arts and Entertainment District, reported the business owners are requesting the Governing Body establish a Business Improvement District (BID) similar to the Downtown BID and the Topeka Tourism BID. He stated the first step is to determine the number of members of a district planning committee, appointed by the Mayor. He noted the committee would meet and present to the Governing Body a report, addressing the viability of a BID for NOTO, followed by the Governing Body deciding whether they want to hold a public hearing to consider the matter.

Councilmember Emerson asked if it was an annual fee and if businesses have an opportunity to oppose the fee. He asked if this would affect the Revenue Neutral Rate (RNR).

Thomas Underwood confirmed it would be an annual assessed fee.

Brent Trout reported the district would have no effect on the RNR because it is not part of the General Fund.

Mary Feighny reported State statute requires that the committee report would specifically address district boundaries; additional and extended services needed within the district; estimated annual cost of providing the services during a three-year period; method of financing; and any other information that will assist the Governing Body in determining whether to initiate the formation of a business improvement district.

Councilmember Duncan suggested only one representative, per organization, be appointed to the committee allowing six different organizations to serve on the committee.

Deputy Mayor Padilla inquired on potential growth as it relates to the district's boundaries.

Thomas Underwood stated the potential growth of NOTO could include adjacent vacant properties.

Councilmember Valdivia-Alcala moved to approve the resolution. The motion was seconded by Councilmember Hiller carried unanimously on roll call vote. (9-0-0)

RESOLUTION NO. 9232 introduced by City Manager Brent Trout, suspending until September 8, 2021 Governing Body Rules 3.1 (Meeting Place) and 7.3(b) (Voting), was presented.

Brent Trout, City Manager, reported due to the improvements to the Council Chambers, Governing Body meetings, including the Special Meeting Budget Workshop on July 10, 2021, will be held in the Cyrus K. Holliday Building, First Floor Conference Room, 620 SE Madison Street, which has limited space. Accordingly, Staff proposes to continue the option of participating via Zoom for Governing Body members and the public until September 8, 2021.

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

Councilmember Hiller suggested a friendly amendment to include the following language after line 31 of the proposed resolution:

1. GB Rule 2.10 Television Coverage 31
2. GB Rule 5.5(b) Public Comment (Sign-Up) 32
3. GB Rule 5.5(c) Public Comment (Specific Agenda Items) 33
4. GB Rule 5.5(d) Public Comment (General) 34
5. GB Rule 7.3(b) Manner of Voting 35
6. GB Rule 8.6 Quorum (Committee Meetings) 36
7. GB Rule 8.14 Television Coverage (Committee Meetings)

Councilmember Duncan, Policy and Finance Committee Chair, reported the Committee would be recommending certain amendments to the Governing Body Rules and Procedures addressing electronic participation during Governing Body and Committee meetings along with other various amendments in August 2021.

Mary Feighny, Deputy City Attorney, reported physical presence was not required at committee meetings; therefore, the language was not included in the proposed resolution.

Councilmember Ortiz accepted the friendly amendment proposed by Councilmember Hiller. The second concurred.

The motion to approve the resolution as amended carried unanimously on roll call vote. (9-0-0)

Councilmember Ortiz moved to suspend the rules to allow public comment to be the next item considered on the agenda. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. (9-0-0)

Councilmember Dobler left the meeting.

PUBLIC COMMENT was submitted via electronic mail by Joseph Ledbetter and Betty Phillips. (*Attachment A*); and provided by the following individuals:

John Williams, resident at 1190 SW Lane Street, distributed pictures of the fence that has been located on his property for many years. He asked the Governing Body to consider allowing him to keep his fence at a height of six feet for his safety. He reported he plans to file an appeal with the City's Zoning Department as suggested by Staff to provide additional time to resolve the issue.

Councilmember Hiller asked how long the fence has been located on the property.

John Williams stated the fence has been in place since 1994 or 1995 and it was his belief the fence was "grandfathered in" when the fencing regulations changed to the four-foot height requirement.

Bill Cochran, Chief of Staff, confirmed he has been working with Mr. Williams to help resolve the matter.

Councilmember Emerson offered to pay the \$130 City administrative appeal fee for Mr. Williams.

Councilmember Valdivia-Alcala expressed her disappointment in the situation and the lack of ability by Staff to address other more serious code related issues.

Ed Fitzpatrick expressed concern with the installation of City of Topeka water meters as well as the reading of water meters. He reported that he was charged for the use of over 6,000 gallons of water in error and the City needs to investigate the installation and use of the water meters.

Aaron Kay requested the Governing Body not allow Joe Campbell to run for City Council due to Mr. Campbell's association with the Proud Boys Organization. He stated this was not the type of representation supported by constituents.

Joseph Ledbetter spoke in opposition of the City Manager Form of Government and the lack of oversight by the Governing Body for City contract services over \$50,000. He stated he believes the Mayor-Council Form of Government was a more productive form of government. He commented on the issues that remain regarding fixing streets, water lines and stricter code enforcement.

DISCUSSION regarding the 2022 City of Topeka Operating Budget, was presented.

Brent Trout, City Manager, stated the FY22 Proposed Budget keeps the City's overall mill levy rate flat and supports the priorities of policy-makers. He reported the General Fund revenues included in the Proposed Budget assume the Governing Body will vote to hold a public hearing in August to consider surpassing the Revenue Neutral Rate (RNR) established under Kansas Senate Bill 13 and House Resolution 2104. The FY22 Proposed Budget includes an estimated \$339 million in expenditures citywide.

Stephen Wade, Interim Administrative and Financial Services Director, reported the instructions to the finance team were to develop a structurally sound budget that supported current service levels. He stated the City will maintain the current mill levy for the ninth consecutive year, but exceeding the RNR, allows the City to capture approximately \$1 million in additional property tax created mainly by growth in the City's tax base. He stated they recommend exceeding the RNR in order to maintain current service levels citywide as well as for proposed Fire and Police Department salaries, along with additional funding for blight remediation, which equates to approximately \$1.27 million. He stated budget cuts will be necessary if the Governing Body chooses not to exceed the RNR. He stated the FY22 Proposed Budget continues to support the budget priorities established by the Governing Body: Investing in infrastructure, continuing a commitment to developing neighborhoods, continuing

commitment to public safety, selected strategic investment toward quality of life, and improving fiscal sustainability.

Councilmember Hiller thanked Staff for their presentation and stated the Budget book was very thorough and it will be a great tool moving forward.

Deputy Mayor Padilla thanked Staff for their presentation and their hard work to date.

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

Brenda Younger, City Clerk, provided an overview of the July 13, 2021, Governing Body meeting agenda.

Brent Trout, City Manager, stated the Housing and Urban Development (HUD) Mortgage relief program expires July 31, 2021, for individuals that have a Federal Housing Administration (FHA) mortgage loan. He referred those seeking assistance to call 1-800-CALL-FHA. He stated the basic use program funds are nearly depleted; however, other funding would be allocated to continue assistance. He thanked City Attorney, Lisa Robertson and Director of Financial and Administrative Services, Jessica Lamendola for their service.

Councilmember Valdivia-Alcala announced the Oakland Neighborhood Clean Up on July 10, 2021; the Santa Fe Park Art Mural Ribbon Cutting Ceremony on July 10, 2021 hosted by Shawnee County Parks and Recreation; and a scaled down version of the Fiesta Mexican will be held at Santa Fe Park on July 11, 2021. She expressed her deep support for the Topeka Frito lay union workers and suggested they stay strong and continue to unify. She reported Lew McGinnis, mega property owner in multi-states, is the type of property owners that have a negative effect on the city. She expressed concern with the same four to five homeless individuals that keep tormenting residents in the Oakland area and the negative impact they have

on the area. She urged Staff to resolve the issue as soon as possible. She stated he would continue to discuss it at each Governing Body meeting until the matter is resolved.

Councilmember Ortiz offered her condolences to the Tommy Green family. She thanked those residents that picked up their trash after the July 4th Holiday. She announced Chase Middle School would host a youth basketball camp on July 12, 2021, free of charge.

Governing Body members commented on the many events happening in and around the city specifically the Thunder Over the Heartland Air Show that occurred on June 26-27, 2021.

Councilmember Naeger asked individuals that need assistance with their energy bill to contact Evergy at 1-800-383-1183 or online at <https://www.evergy.com/manage-account/billing/financial-help>.

Councilmember Duncan reminded citizens to watch the budget workshop meeting online July 10, 2021, at 9:00 a.m. He thanked the Topeka Police and Fire Departments for participating in various local July 4th holiday parades. He reminded citizens to vote in the August 2021 Primary Election. He confirmed there are plans to finish the 3rd Street project. He encouraged citizens to get the COVID-19 vaccine, and noted only 40% of Shawnee County citizens have been vaccinated.

Councilmember Lesser commended Property Code Enforcement Division employees for their responsiveness as well as Interim Police Chief Wheelles and noted the Code Enforcement Division needs more staff members.

Councilmember Hiller thanked Staff for making water line repairs on SE 45th Street to allow the 2021 Thunder Over Heartland Air Show and the Kicker Country Stampede to move forward. She commended the City Manager for working with NIAs to help understand what the neighborhoods want in order to thrive; and expressed her appreciation for the return of

community policing. She thanked City Attorney, Lisa Robertson; Director of Financial and Administrative Services, Jessica Lamendola; and Senior Assistant City Attorney, Catherine Walter for their service. She announced voter registration ends July 13, 2021, and advanced voting begins July 14, 2021.

Deputy Mayor Padilla expressed the importance of focusing on the positive while addressing serious community issues such as those mentioned by Councilmember Valdivia-Alcala.

Councilmember Emerson Moved to recess into executive session for 20 minutes to discuss employer/employee negotiations relating to the Topeka Police Department labor agreement, as authorized by KSA 75-4319(b)(3), in order to protect the privacy of those discussed. To aid in the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; Chief of Staff, Bill Cochran; Human Resources Director, Jacque Russell; Interim Administrative and Financial Services Director, Stephen Wade; Senior Assistant City Attorney, Mary Kuckelman; Chief of Litigation, Shelly Starr; Interim Police Chief, Brian Wheelles; and Deputy City Attorney, Mary Feighny. No action was anticipated when the open meeting resumed in the Governing Body Chambers. The motion seconded by Councilmember Ortiz carried unanimously on roll call vote. (8-0-0)

Following a 20-minute time period, the meeting reconvened into open session and Deputy Mayor Padilla announced no action was taken during the Executive Session.

Councilmember Duncan moved to approve suspending Governing Body Rule 5.9 and to authorize extension of the meeting beyond 10:00 p.m. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. (8-0-0)

Councilmember Emerson moved to recess into executive session for 20 minutes to discuss employer/employee negotiations relating to the Topeka Fire Department labor agreement, as authorized by KSA 75-4319(b)(3), in order to protect the privacy of those discussed. To aid in the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; Chief of Staff, Bill Cochran; Human Resources Director, Jacque Russell; Interim Administrative and Financial Services Director, Stephen Wade; Deputy City Attorney, Mary Feighny; Senior Assistant City Attorney, Mary Kuckelman; and Fire Chief, Craig Duke. No action was anticipated when the open meeting resumed in the Governing Body Chambers. The motion seconded by Councilmember Duncan carried unanimously on roll call vote. (8-0-0)

Following a 20-minute time period, the meeting reconvened into open session and Deputy Mayor Padilla announced no action was taken during the Executive Session.

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

(SEAL)

Brenda Younger
City Clerk

Attachment A

Kelly L. Bogner

From: Betty Phillips <bettyphillips2@cox.net>
Sent: Tuesday, July 06, 2021 7:44 PM
To: Joseph Ledbetter
Cc: City Clerk; City Council; Neil Dobler; Tony Emerson; Michael Lesser; Michelle De La Isla; Brent Trout; Tomari Quinn
Subject: Re: Budget Discussion: For the Record My words.

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 couldn't agree more and thought the city manager did present such contracts to the governing body for approval, but if it's not spelled out in an ordinance, then the sky's the limit if a city council doesn't designate a limit.

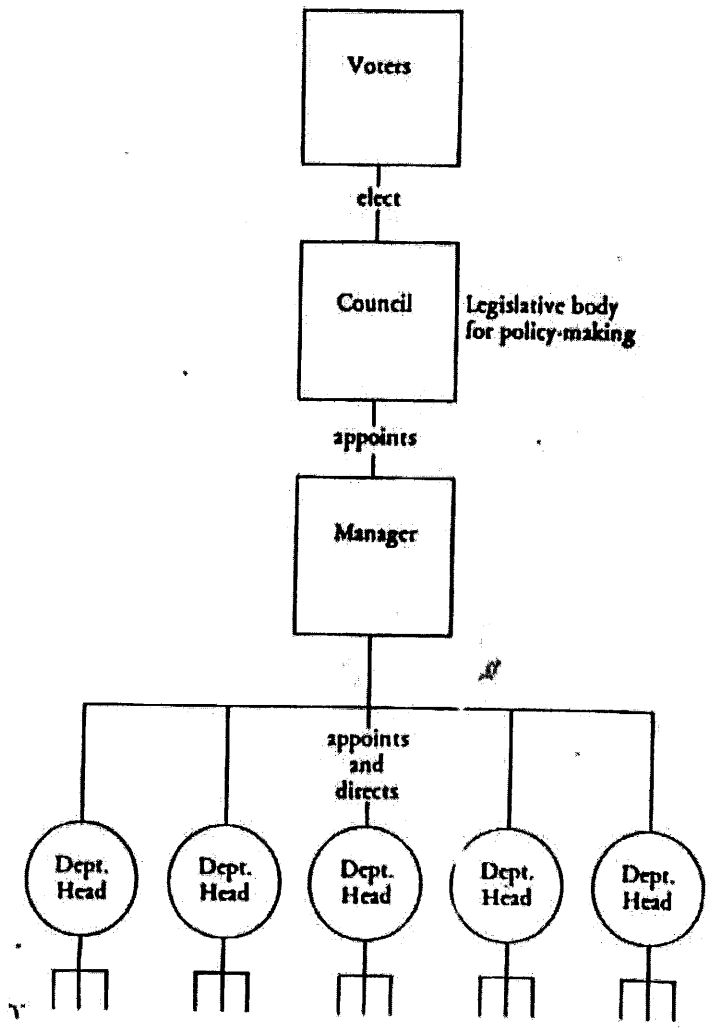
It's especially important that the city council "limit the manager's involvement in policy-making to recommendation, advice and support of council-made policy decisions" and one of those policies should relate to the amount of money a manager may commit tax dollars to without city council approval.

The citizens elect the city council "board of directors" to represent their best interests and especially how their tax dollars are spent to fulfill that responsibility.

There is no doubt the citizens would vote that the city council accept the responsibility for not only how their tax dollars are being spent but how much and for what. They didn't vote to replace a strong, unrestricted mayor with a strong, unrestricted city manager.

When a company's board fails, the stockholders suffer the consequences; when a city council fails, the citizens suffer the consequences.

The bottom line is that the buck stops with the city council; not the city manager.



The council-manager form is the same found in almost all organizations where performance and results count most, whether business, labor, institutional, profit, or nonprofit. That is, the "stockholders" of the municipal corporation elect a board of directors to represent their interests, and the board appoints a qualified, experienced general manager to assist and advise them and to see that board policies are carried out. The line of responsibility is simple, direct, and familiar.

The division of labor between the policy-making board (the council) and the chief administrator frees the council of administrative detail, leaving them time and opportunity to provide true community leadership and to monitor the performance of their appointed chief administrator.

Administration of city business is removed from politics by putting personnel management, including selection of the city manager, on a merit basis and limiting the manager's involvement in policy-making to recommendation, advice, and support of council-made policy decisions.

Professionally trained and experienced people are available to provide the community and its citizens with the maximum of efficient, effective, humane, and considerate municipal service.

The likelihood of obtaining and maintaining managerial competence and integrity is enhanced by the fact that the city managers' professional association requires that its members adhere to a code of ethics.

On Jul 6, 2021, at 5:41 PM, Joseph Ledbetter <joe@josephledbetter.com> wrote:

We need to immediately pass an ordinance having City Contracts in the amount of \$50,000 or more, to be passed by a majority of the Governing body, or failing that, they shall not be binding on the City of Topeka. This system of basically no oversight of the manager signing contracts of huge amounts of money, without a vote of the council, leaves us the citizens having no oversight of our own government. The current system has failed us in our fiduciary oversight duties, as a board as well, in my opinion. We also need a CPA with a Kansas License (that is current) to be a Comptroller for our city, and be the Finance Director, and answerable to the City Council and open to our citizens' concerns.

Sincerely,

Joseph Ledbetter, JD, MPA , Citizen

Kelly L. Bogner

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, July 06, 2021 9:10 PM
To: City Council; Michael Lesser; Tony Emerson; Neil Dobler; City Clerk
Subject: Budget comments

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.

Privatize all mowing, forestry work, street sweeping now ASAP. Concider privatizing part or all of street repairs. We have waited 12 years for improvements.on streets Ridiculous. I blame manager for lack of oversight of public works and utilities and codes. He has had 3 and 1/2 years. Tired of waiting for the fix. I want all contracts over \$50,000 to be voted on by the council. The things I have seen signed in many cases are a Ridiculous waste of money. We can change this form of government if we can't get a quick change. Strong Mayor Form. Thank you. Joseph Ledbetter. JD MPA
Sent from my iPhone

Kelly L. Bogner

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, July 06, 2021 5:41 PM
To: City Clerk; City Council; Neil Dobler; Tony Emerson; Michael Lesser; Michelle De La Isla
Subject: Budget Discussion: For the Record My words.

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Sincerely,

Joseph Ledbetter, JD, MPA , Citizen