

Governing Body Minutes – September 7, 2021

CYRUS K. HOLLIDAY BUILDING, 620 SE Madison Street, Topeka, Kansas, Tuesday, September 7, 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: Councilmembers Valdivia-Alcala, Ortiz, Naeger and Lesser -4. Deputy Mayor Padilla presided - 1. Absent: Mayor De La Isla -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 September 7, 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 September 7, 2021, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Emerson requested a moment of silent meditation in honor of the 13 military lives lost in an Afghanistan bombing on August 26, 2021.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9254 introduced by Councilmember Spencer Duncan, granting Christ the King Catholic Church an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. (*Council District No. 8*)

MINUTES of the regular meeting of August 17, 2021, was presented.

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

APPROVAL of funding recommendations by the Alcohol and Drug Abuse Advisory Council in the amount of \$616,942 for the 2022 Special Alcohol Fund, was presented.

Brent Trout, City Manager, reported following the August 17, 2021, Governing Body meeting, Staff met with the Alcohol and Drug Abuse Advisory Council on August 30, 2021, and the Advisory Council recommended increasing the total funding recommendation from \$590,000 to \$616,942.

Councilmember Duncan commended the Advisory Council for their great work and following the application scoring system; however, because of the important services the agencies provide during these difficult times of the COVID-19 virus, the agencies need full funding for the upcoming year. He noted there were no red flags among the organizations with the exception of the need for more diverse boards and that is being addressed.

Councilmember Naeger moved to approve the funding recommendation in the amount of \$616,942. The motion seconded by Councilmember Ortiz carried unanimously on roll call vote. (9-0-0)

PUBLIC HEARING

To consider comment from the public concerning consideration by the Governing Body to exceed (TMTA)'s Revenue Neutral Rate (RNR) of 4.059 and impose a proposed tax rate of 4.2 mills, was presented.

Brent Trout, City Manager, reported the Topeka Municipal Code A9-2 requires the Governing Body to levy a tax of 4.2 mills on behalf of the Topeka Metropolitan Transit Authority (TMTA), and the Governing Body cannot do this unless a resolution exceeding the RNR of 4.059 and the property tax rate set by the Shawnee County Clerk, is approved by the

Governing Body. He noted in accordance with Senate Bill 13/House Bill 2104 the Governing Body is required to consider public comment before passing a resolution exceeding the RNR.

Dr. Allen Bearman, TMTA Board of Directors, spoke in support of a 4.2 mill levy rate to allow TMTA to continue to provide essential services to the community that are reliable and sustainable.

Councilmember Ortiz expressed concern with TMTA no longer providing face masks and denying ridership to those who do not have a face mask. She questioned if this was an expense that could be reimbursed with CARES Act funding.

Dr. Bearman stated TMTA would work to reinstate the distribution of face masks to their ridership.

Deputy Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak. Upon no one else appearing the public hearing was closed.

PUBLIC HEARING

To consider comment from the public concerning consideration by the Governing Body of adopting a budget for 2022 that exceeds the Revenue Neutral Rate (RNR) which is 38.350, was presented.

Brent Trout, City Manager, reported the Shawnee County Clerk, in accordance with Senate Bill 13/House Bill 2104, established a Revenue Neutral Rate (RNR) of 38.350 mills for the City of Topeka, and the Governing Body cannot levy a tax in excess of this amount unless it passes a resolution exceeding the RNR after considering public comment. He noted the 2022 Operating Budget was proposed based a mill levy rate of 39.687.

Deputy Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak. Upon no one appearing the public hearing was closed.

Councilmember Hiller thanked Staff and Governing Body members for their commitment in maintaining the same mill levy rate as 2021.

PUBLIC HEARING

For the purpose of hearing and answering objections of taxpayers relating to the proposed City of Topeka 2022 Operating Budget, was presented.

Brent Trout, City Manager, reported the public hearing is a prerequisite to adopting the budget by an ordinance. He noted the 2022 proposed Operating Budget was based on a mill levy rate of 39.687 and there are no major changes from the previous year.

Deputy Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak. Upon no one appearing the public hearing was closed.

RESOLUTION NO. 9255 introduced by City Manager Brent Trout to levy a property tax rate on behalf of the Topeka Metro Transit Authority (TMTA) that exceeds the Revenue Neutral Rate, was presented.

Brent Trout, City Manager, reported a resolution exceeding the RNR set by the Shawnee County Clerk must be approved before the City can levy, on behalf of TMTA, a property tax of 4.2 mills the same as 2021.

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

RESOLUTION NO. 9256 introduced by City Manager Brent Trout to levy a property tax rate exceeding the Revenue Neutral Rate, was presented.

Brent Trout, City Manager, reported the proposed 2022 Operating Budget will require the levy of a property tax rate of 39.687 which exceeds the Revenue Neutral Rate (RNR) set by the Shawnee County Clerk.

Councilmember Emerson expressed his appreciation for the work conducted by Staff for maintaining a level mill rate during these difficult financial times.

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

APPROPRIATION ORDINANCE NO. 20312 introduced by City Manager Brent Trout, approving and adopting the operating budget for the City of Topeka, for the year 2022, and appropriating the amounts for the purpose as set forth therein, was presented.

Joseph Ledbetter spoke in support of a fully funded Police Department. He stated increasing bonded indebtedness is acceptable for a short while; however, the City needs to take control specifically as it relates to revenue bonds because it causes increases to water service rates. He suggested reducing middle management positions and spoke in support of privatizing certain City services.

Councilmember Dobler spoke in support of reducing overall bonded indebtedness. He referenced the Debt Service Pro Forma for CIP projects created by the Finance Department and noted it will serve as an excellent tool in helping the City reduce debt. He requested the Policy and Finance Committee work with the Public Infrastructure Committee in reviewing the Debt Service Pro Forma as well as the City's Debt Service Policy in October 2021.

Deputy Mayor Padilla spoke in support of the committees working together to create a solid plan to reduce debt.

Councilmember Hiller stated she supports the 2022 Operating Budget as presented; however, she would like to provide a brief overview of her vision for the future. She commented on the following:

- Committee work throughout the year builds a good knowledge base. She thanked Staff for providing good framework to do this.

- There is still a need to save \$3-\$5 million in the 2022 Operating Budget as well as a need for management changes, and noted there are a number of department reviews that need to be addressed in 2021, including redefining and/or redeploying certain staff positions.
- The City set improved customer service goals which makes for a better city and saves money. She encouraged Governing Body members to continue working on the customer service initiative.
- Continue with plans to improve infrastructure and suggested Staff begin creating a master plan to best utilize funding sources.
- Consider using American Rescue Plan Act (ARPA) funds in conjunction with other infrastructure funding sources providing a once in a lifetime opportunity to reduce borrowing debt and still continue with major projects without exceeding the bond cap.

Councilmember Naeger stated she appreciates the work Staff put into the budget process. She spoke in support of making adjustments to pay down debt so the City can invest in quality sustainable products for utility infrastructure and street repairs. She thanked Governing Body members and Staff for preparing for a more sustainable future.

Councilmember Emerson moved to adopt the ordinance. The motion seconded by Councilmember Naeger carried unanimously. (9-0-0)

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

RESOLUTION NO. 9257 introduced by City Manager Brent Trout temporarily suspending until January 5, 2022 certain Governing Body Rules, was presented.

Brent Trout, City Manager, reported they are waiting on construction materials to complete the renovation of the City Council Chambers as well as approval will allow remote meeting access and voting through October 5, 2021.

Councilmember Duncan stated the Policy and Finance Committee is working on adjusted Governing Body Rules with the understanding the Governing Body as a whole will need to make the final decisions. He suggested they suspend the Rules for longer than 30 days.

Councilmember Dobler stated he concurs with Councilmember Duncan and suggested suspending the Rules until the end of the year.

Councilmember Dobler moved to temporarily suspend certain Governing Body Rules until January 5, 2022. The motion was seconded by Councilmember Ortiz.

Councilmember Hiller asked if there is an issue letting the public utilize Zoom access through the end of the year.

Councilmember Duncan stated he does not expect the Committee to bring back a long term recommendation for at least two months; however, he will make sure the Committee discusses the topic.

The motion to temporarily suspend certain Governing Body Rules until January 5, 2022 carried unanimously on roll call vote. (9-0-0)

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

Joseph Wakefield expressed the importance of providing online access of the citizen survey to all residents. He stated the community has been lacking for many years in regards to cleaning the east side of the city. He expressed the importance of transparency in government.

Pastor Carl Frazier spoke in support of the Topeka Housing Trust Fund and the positive effect it will have on the community. He requested a permanent funding source be identified to build and maintain the fund.

William Naeger spoke in support of welcoming relocated Afghanistan citizens to the city of Topeka and making the community a place where citizens from all over the world want to relocate.

Pastor Lorna Boden spoke in support of the efforts of Topeka Jump to address affordable housing and the importance of everyone playing their part to make Topeka a welcoming community. She suggested using American Rescue Plan Act (ARPA) dollars to fund the Topeka Housing Trust Fund. She also suggested the City set aside \$5 million to address housing needs for households that make less than \$40,000 annually.

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

Brenda Younger, City Clerk, provided an overview of the September 14, 2021 Governing Body agenda.

Brent Trout, City Manager, introduced Amanda Stanley, the new City of Topeka City Attorney. He stated in response to comments made by Joseph Wakefield, the citizen survey will be available online the week of September 13, 2021. He reported the survey was initially released as a scientific sample of opinions with good success thus far. He noted the survey will be extended an additional week with results presented in November 2021.

Councilmember Naeger commented on the 20 year anniversary of 9/11. She reminded citizens during this difficult time to reach out to the Veterans Crisis Line at 800-273-8255 or online at <https://www.veteranscrisisline.net>.

Councilmember Dobler stated he is pleased to see an increased amount of street overlay projects being completed in District 7. He expressed the importance of increasing the city's population and noted the 2020 U.S. Census resulted in a population loss. He stated it was crucial to come up with creative ways to grow the population in order for Topeka to thrive.

Councilmember Duncan stated he concurs with Councilmember Dobler in the need for growth. He expressed his disappointment in the Topeka Veterans Affairs Medical Center for

moving their substance abuse program to the Wichita facility. He asked citizens to remember Topeka Police Corporal Jason Harwood who lost his life in the line of duty on September 7, 2014.

Councilmember Hiller serving as the Public Health and Safety Committee Chair, announced a series of public input sessions to gather ideas on changing the culture of the City's Property Maintenance. She stated a dedicated web page has been created on the City's website at <https://www.topeka.org/citycouncil/changing-the-culture-of-property-maintenance-public-input-meetings/> offering information on the issue and public input session dates. She asked Governing Body members to spread the word on the initiative and encouraged citizens to provide solutions to property code issues.

Councilmember Valdivia-Alcala announced the online Topeka Housing and Racial Virtual Planning Summit, which began on August 26, 2021, will continue until October 7, 2021. She announced upcoming sessions include Neighborhood and Revitalization Meeting, Data of Disparity, Human Right to a Living Wage, Accountability to you Presentation, Activists and Advocates Organizing 101. She stated the North Topeka West Neighborhood Improvement Association (NIA) will host a movie night on September 18, 2021 at Logan Elementary located at 1124 NW Lymon Road at 7:00 p.m. She offered her condolences to the Dave Ford family. She encouraged residents to attend one of the Property Maintenance public input sessions to provide ideas for meaningful neighborhood and City collaborations with the goal of creating a viable proactive plan.

Councilmember Ortiz thanked Councilmember Hiller for her persistent in regards to property maintenance code issues. She announced a Central Park Neighborhood Improvement Association (NIA) meeting on October 7, 2021 at 6:30 p.m. at the Central Park Community

Center. She offered her condolences to the family of Evelyn Lassiter; and the family of Tony Garcia.

Deputy Mayor Padilla expressed his appreciation to Governing Body members for their continued efforts of inclusion, equity and diversity on multiple levels making Topeka an inclusive community.

Councilmember Emerson moved to recess into executive session for a period of 40 minutes to discuss employer/employee negotiations relating to the Fire, Police and Street Departments, as authorized by KSA 75-4319(b)(3). 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; City Attorney, Amanda Stanley; Fire Chief, Craig Duke; Interim Police Chief, Bryan Wheelles and Public Works Director, James Jackson. No action is anticipated when the meeting resumes in open session. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (9-0-0)

Following a 40-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 8:20 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

Kelly L. Bogner

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, September 07, 2021 9:38 AM
To: City Clerk; City Council; Spencer Duncan; Neil Dobler; Sylvia Ortiz; Tony Emerson;
Michael Padilla; Michael Lesser
Subject: Council Meeting Agenda

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 would like to see the City Council control the meeting agenda. As I understand it this is set by Council rules- so it is within your ability to change this from the manager setting it. It is past time we did this for Sooo...many good reasons.

Thank you.

Joseph Ledbetter JD, MPA

Brenda Younger

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, August 31, 2021 3:05 PM
To: City Clerk; City Council; Neil Dobler; Tony Emerson; Michael Lesser; Michelle De La Isla; Michael Padilla; Sylvia Ortiz
Subject: Budget Discussion for the Record: Cuts to Operations of City.

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Do we need 5 or 6 public relations staff-Answer is NO. 2 would be sufficient, 3 max.

Does each dept./ division have to answer their own phones?? How many extra staff does that take? A dozen? More?

Sell off some, or most of the parking garages. Too high of costs with City personnel. running them,or maintaining them.

And Privatize ANY mowing.

Start contracting out some of the street repairs. Staff is too slow to get caught up with all the work rules, et al. Seasonal employees that are on payroll all year round.I believe we have 55 FTEs'in street repair division, plus middle managers. Also, we have privatized some snow removal in the past, at times. We actually got good prices, as I recall.

Don't know why we can't start privatising repairs at the Water Dept. with their high costs of overtime, and work rules, supervisors, et al . Just start contracting out more work instead of hiring employees when they leave.

*I was asked recently where should cost cutting ideas in a City originate?? My answer: The Manager. That is the duty of a Manager. Also Departments should offer up cost saving ideas on the record- It should be required by management. I would exempt TPD from this because of national issues/pressures of defunding Police Depts., in many large cities, which has surged crime in the same cities. That will NOT happen here.

Thank you.

Joseph Ledbetter JD, MPA

Kelly L. Bogner

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Sunday, August 29, 2021 3:09 PM
To: City Clerk; City Council; Neil Dobler; Michael Lesser; Tony Emerson; Sylvia Ortiz
Subject: Budget Discussions for the record (My words alone)

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.

We are not flexible enough in hiring part-time help, IE Codes, possibly others. A Lot of folks now will work 20 hours a week but not full-time. IE retirees. And then there are others who are working full time somewhere but want extra income from part-time work as well. The point is esp. seasonale peaks like the mowing write ups, could be done that way. But we have "leaders", not solving problems who don't want to change , or show stubbornness to the Board, or citizens about new approaches. The Post office would have ground to a halt several years back, without hiring thousands of part-timers. Just a point. We need flexibility, not ridgid mind sets-and rigid bureaucracy in the Topeka Government.

...By the way, A title does not make a leader. A leader is proven by problem solving, and being creative in solving complex problems, usually in a rapid fashion, and with independent analysis by a leader themselves. Also, an ability to do more, with less, and move rapidly to commit to solving a problem, and actually doing it!

Regards:

Joseph Ledbetter JD, MPA

Brenda Younger

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, September 7, 2021 6:25 PM
To: City Clerk; City Council; Tony Emerson; Michael Lesser; Neil Dobler; Michael Padilla; Spencer Duncan; Michelle De La Isla
Subject: Budget discussion for the record.

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.

Never defund TPD. Very needed and supported the public.
Cut middle management positions in Public works, Utilities and Planning and Development.
Sell off at least some of our parking garages and save and cut personnel costs. Cut some public relations positions. We don't need 5 to 6 of these positions. We can privatize forestry over time. Spending approximately \$ 844 k On this item. Sent from my iPhone