

Governing Body Minutes – October 19, 2021

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, October 19, 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, Dobler and Duncan -6; and Councilmembers Naeger and Lesser participated remotely -2. Mayor De La Isla presided -1. Absent: Councilmember Ortiz -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 October 19, 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 October 19, 2021, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Pastor Marcus Clark, Love Fellowship Church, provided the invocation.

BOARD APPOINTMENT recommending the reappointment of Toni Beck to the Topeka Board of Zoning Appeals to fill an unexpired term ending November 2, 2024, was presented. (*Council District No. 6*)

BOARD APPOINTMENT recommending the appointment of Donna Rae Pearson to the Topeka Planning Commission for a term ending October 19, 2024, was presented. (*Council District No. 1*)

Councilmember Padilla moved to approve the board appointments. The motion was seconded by Councilmember Valdivia-Alcala. Mayor De La Isla asked all those in favor of

approving the board appointments to indicate so verbally by saying “yea” and those opposing the to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the motion carried unanimously on voice vote. The Mayor does not vote. (9-0-0)

A PRESENTATION on the Development and Growth Management 3rd Quarter Report was provided by Bill Fiander, Planning and Development Director.

Councilmember Ortiz joined the meeting remotely.

Mayor De La Isla commended Staff for implementing the new permitting online portal supporting efficiencies in operations.

Councilmember Dobler requested Staff study the top 10 competing Kansas cities as referenced in the 2020 U.S. Census in regards to growth and development in Topeka.

Councilmember Hiller inquired on the status of the Topeka Calamar Development senior-living property located at 2700 SW 3rd Street and if it is included in the permitting statistics.

Councilmember Emerson questioned if building sites included in the statistics are located in subdivisions built after the 1980s and if not, he suggested adjusting report information to reflect this. He inquired if all plan reviews are completed electronically.

Bill Fiander stated the Topeka Calamar Development is hitting their finance milestones and the project should be completed in early November 2021, with permitting numbers reflected in the 4th quarter. He referenced multi-family and single-family permits trending upwards from 89 to 93 on a two-year average. He stated most subdivisions reflected in the report were built after 1990; however, numbers can be adjusted if needed and all levels of permitting are performed electronically.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9271 introduced by Councilmember Michael Padilla, granting Louie Constantino an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. (*Council District No. 5*)

RESOLUTION NO. 9272 introduced by City Manager Brent Trout, approving a special event known as the Norsemen Spook Easy, was presented.

MINUTES of the regular meeting of October 12, 2021, was presented.

Councilmember Dobler moved to approve the consent agenda. The motion was seconded by Councilmember Padilla. Mayor De La Isla asked all those in favor of approving the consent agenda to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the motion carried unanimously on voice vote. (10-0-0)

RESOLUTION NO. 9273 introduced by City Manager Brent Trout, authorizing and directing the issuance, sale and delivery of \$6,900,000 of Taxable General Obligation Temporary Notes, Series 2021-B, of the City of Topeka, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith, was presented.

Brent Trout, City Manager, reported approval would authorize issuance of General Obligation Temporary Notes in the amount of \$6,900,000 to provide funding for nine City-at-large projects that have been included in either the 2022 or previous capital improvement plans.

Councilmember Hiller moved to approve the resolution. The motion was seconded by Councilmember Emerson. Mayor De La Isla asked all those in favor of approving the resolution

to indicate so verbally by saying “yea” and those opposing the motion to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the motion carried unanimously on voice vote. (10-0-0)

DISCUSSION related to the Valley Park Neighborhood Plan as an element of the Comprehensive Plan, was presented. (CPA21/01)

Brent Trout, City Manager, stated Staff would highlight recommendations of the Valley Park Neighborhood Plan and Stages of Resource Targeting (SORT) area priorities.

Bryson Risley, City Planning Department, provided an overview of the SORT area targeted to improve infrastructure and housing in designated areas, the history and profile of the neighborhood, vision and goals of the Plan, future land use, the revitalization strategy and implementation of the Plan. He noted implementation of the plan to carry out SORT target area infrastructure and housing improvements as currently budgeted for in the Capital Improvement Plan and Consolidated Action Plan which requires Governing Body approval.

Councilmember Naeger expressed her appreciation to the Neighborhood Improvement Association (NIA) members and neighborhood residents for their hard work on the Plan.

Councilmember Emerson inquired about Project No. 19, a “pedestrian table” listed in the Plan.

Bryson Risley stated pedestrian tables are raised intersections for the purpose of creating a safe, slow-speed crossing to address speeding along Shunga Drive.

Councilmember Valdivia-Alcala stated typically Low to Moderate Income (LMI) areas are not eligible for SORT funding. She asked how Valley Park Neighborhood qualified for SORT funding.

Brent Trout reported at the time the Valley Park Neighborhood applied for SORT grant

funding the neighborhood qualified because the neighborhood health status was considered an At Risk or Intensive Care. He noted the SORT application has bonus points available for At Risk or Intensive Care neighborhoods, however, even without the bonus points, the application was reviewed by the Citizen Advisory Council (CAC) and determined to be the best application at that time, compared to other neighborhood applicants.

Susan McClacherty, Valley Park NIA President, stated about 75% of the Valley Park neighborhood is located in a flood plain and she believes this plan is the best possible outcome with the SORT dollars available.

Councilmember Hiller stated the SORT grant does not address flooding and she believes the real threat for the Valley Park Neighborhood is a solid flood mitigation plan. She expressed the importance of prioritizing work to protect the residents.

Brent Trout stated there are a number of studies that are ongoing to address flood mitigation measures. He noted he would gather the information and report back to the Governing Body.

DISCUSSION regarding the allocation of American Rescue Plan Act (ARPA) funds for the City of Topeka, was presented.

Brent Trout, City Manager, reported an updated list has been distributed outlining certain projects as discussed at the October 5, 2021, Governing Body meeting, however, the project list will remain fluid throughout the process. He stated the Governing Body plans to have work sessions in January to discuss projects and associated funding. He requested all suggestions and ideas be sent via email to btrout@topeka.org and he will respond with applicable information and forward it to the Governing Body. He stated the ARPA discussion item would continue on the Mental Health Co-Responder Response Program.

Bill Cochran, Chief of Staff, provided an overview of the proposed expansion of the Mental Health Co-Responder Response Team including an After Hours Team, Mental Health Co-Responder Team and Mental Health Co-Responder Follow-up Team, improving outreach for the unsheltered population, mental health population as well as those that are less fortunate.

Councilmember Valdivia-Alcala questioned if Valeo Behavioral Health Care and the Topeka Rescue Mission plan to contribute funds to the program. She referenced continued issues with certain homeless individuals in the Oakland Neighborhood as it relates to the Crisis Intervention Team (CIT) positions. She asked if the City should establish program outcomes and if Staff has compared the proposed program to other CIT programs in cities of similar size to Topeka.

Bill Cochran reported no funds are being contributed by the Valeo Behavioral Health Care Center or the Topeka Rescue Mission at this time, however, after the program is established, there will be billable services for Valeo. He stated the Topeka Rescue Mission is not part of the current Plan; the CIT position would be rolled into the cost of the Plan; and there are no other similar plans in the state only in other large cities such as in Arizona and California that have a large population of unsheltered individuals and mental health needs. He stated the proposed program lays the foundation on how the City as an organization wants to move forward with medical response in the future and includes the addition of Fire department personnel and a fourth co-responder position.

Councilmember Dobler stated he opposes using ARPA dollars for salaries because in future years the City will have to use general fund dollars to fund the positions. He expressed the importance of discussing and developing a long-term sustainable plan.

Councilmember Padilla stated he likes the idea of CITs and believes they are essential in

the community as they have tried to fill this gap in services for many years. He asked if Staff plans to track successes and outcomes as well as how the program will better serve the population in need. He noted the tracking system for program outcomes will be essential in determining how to fund the program.

Bill Cochran stated the proposed plan is to expand the current program with the goal of having trained individuals respond to calls and assist the Police Department. He noted only 4% of the incidents the CIT unit assists with result in an arrest.

Councilmember Hiller questioned what needs would be addressed with the program as well as program outcomes. She encouraged those interested in ARPA funding to review the City's Social Services grant application process which has an outcome-based format that would help in defining proposals to ensure they are a strategic investment for the community.

Councilmember Duncan reminded the Governing Body that citizens have expressed a strong desire over the past year and half to move resources around in the Police Department to assist those in the community that need it the most. He reported police officers need the resources to help resolve mental health situations as well as improve community policing. He noted CIT programs are being utilized across the nation, therefore, they need to look at this idea or some form of it, in order to utilize the opportunity of additional program funding assistance that has become available.

Councilmember Valdivia-Alcala expressed her support of implementing a crisis intervention team; however, she believes the mental health service piece needs to be separated from the police as it is across the nation in other cities.

Joseph Ledbetter stated he supports abatement of lead pipes if it happens in an expedited manner. He suggested allocating ARPA funds to Intensive Care and At Risk neighborhoods

through mill and overlay projects with an aggressive completion timeline. He stated he opposes allocating funds to City Hall repairs.

Thomas Underwood, NOTO Arts and Entertainment District Executive Director, distributed a handout. He requested ARPA funding for basic support in NOTO such as trash pickup, snow removal, monthly clean-up and beautification projects.

Jon Bohlander, NOTO Board Chair, spoke to the major decrease in business operations in 2020 due to the COVID-19 pandemic. He stated any funds allocated towards NOTO businesses would help keep the momentum going and would be greatly appreciated.

Lazone Grays commended City Manager Trout and Staff for including broadband digital literacy on the ARPA project funding list. He asked the Governing Body to allocate ARPA funds for job training that includes child care as well as more options for job training transitional skills. He expressed the importance of an open, fair and equitable competitive process.

Councilmember Duncan stated this is the opportunity for citizens to provide suggestions in regards to how the ARPA funds should be spent. He stated this discussion will remain on the agenda through the end of the year and work sessions will begin in January 2022.

Councilmember Valdivia-Alcala stated there is a need to put a process in place that stabilizes, strategizes and organizes the ARPA funding particularly before work sessions begin. She requested the City communicate with strong community partners and social services so they understand where the City is at in the process.

Mayor De La Isla stated the Governing Body needs to review the guidelines set by the federal government for spending of the funds. She stated there is a need to allocate percentages of each category that will make a strategic impact in the long-term for Topeka.

Councilmember Emerson expressed his appreciation to NOTO representatives for

offering their comments.

Councilmember Hiller suggested the list of projects lend to some sort of strategic investment. She stated there may be coalitions that would come together to assist with communication of what is desired by the Governing Body.

Brent Trout stated he would accept all ideas and forward them to the Governing Body as well as vet projects as it relates to federal guidelines.

Mayor De La Isla stated the Governing Body needs to be 100% certain of what the funds can be used for and then communicated to all organizations in the community.

Councilmember Emerson left the meeting.

Councilmember Ortiz stated in order to minimize confusion she would suggest creating an ARPA funding information page on the City's website and requested the federal guidelines be distributed to the Governing Body.

Councilmember Hiller stated she concurs with Councilmember Ortiz and would support posting ARPA funding information to the City's website in the same manner as the Changing the Culture of Property Maintenance Public Input web page.

Councilmember Valdivia-Alcala requested Staff increase the use of all social media outlets, press releases and use of the City4 platform.

Councilmember Duncan reminded the Governing Body there is still \$2.5 million in CARES Act funds that they may be able to use for some of the projects and programs being suggested.

Councilmember Naeger stated she concurs with comments made by Governing Body members regarding the creation of an ARPA web page and requested a calendar be included on the web page.

PUBLIC COMMENT was provided by the following individuals:

Paul Lassley stated DynaMarine Performance Boats Company employees located at 2529 NW Topeka Boulevard is harassing the residents of the nearby mobile home park where he lives. He expressed concern with how pot holes are being repaired as well as the City needs to maintain the streets and highways to seal cracks due to moisture.

Sandra Lassiter, Tennessee Town NIA Secretary, inquired on the 12th Street Project progress and expressed concern with the design of the project and stated the residents believe it needs to be modified. She requested a one-way street heading west on 12th Street, and a one-way street heading east on SW Huntoon Street with no bicycle lane. She requested, at the very least, construction be completed along SW Washburn Avenue to SW Gage Boulevard before winter.

Lazone Grays stated he wants the ARPA funding process to be fair. He referenced statements made at the last Joint Economic Development Organization (JEDO) meeting relating to unemployment and poverty and the need to discuss the true underlying rates.

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

Mayor De La Isla announced there will be no Governing Body meeting held on November 2, 2021 due to general elections. She encouraged citizens to vote.

Councilmember Padilla thanked the Greater Topeka Partnership for hosting events and celebrating Hispanic Heritage throughout the month of October. He encouraged organizations and civic groups to host similar events to educate folks on the city's diverse community. He encouraged citizens to vote.

Councilmember Naeger encouraged citizens to vote and to contact the Shawnee County Elections Office at 785-251-5900 or www.snco.us/election/ for questions.

Councilmember Duncan encouraged citizens to vote. He inquired when the Governing Body would begin discussing the 2022 legislative agenda. He announced he will reschedule the October 21, 2021 District 8 Open Hours event to a later date. He thanked Staff for their work in resolving issues related to street improvements in District 8.

Brent Trout stated the legislative agenda will be discussed at the November 9, 2021, Governing Body meeting.

Councilmember Lesser thanked John Schardine and Interim Police Chief Wheelles for their assistance in addressing the property code maintenance issue located behind Kelly Services at 1080 SW Wanamaker Road. He encouraged citizens to vote.

Councilmember Hiller encouraged citizens to vote.

Councilmember Valdivia-Alcala encouraged citizens to vote.

Councilmember Ortiz encouraged citizens to vote. She announced October is Fire Prevention Month and encouraged all residents to install smoke detectors in their homes. She thanked emergency responders and Staff for the quick response to a vacant house fire at 1100 SE Powell Street. She offered her condolences to the family of Jimmy Lee Rucker.

Councilmember Hiller moved to recess into executive session for a period of 30 minutes for consultation with the City Attorney to discuss attorney-client privileged matters regarding specific currently pending property maintenance code violations and legal remedies – as justified by K.S.A. 75-4319(b)(2). To aid in the discussion, the following individuals were present: Members of the Governing Body, City Manager, Brent Trout; City Attorney, Amanda Stanley; Chief of Staff, Bill Cochran and Property Maintenance Division Field Supervisor John Schardine. No action was anticipated when the meeting resumed open session in the City Council Chambers. The motion was seconded by Councilmember Padilla.

Mayor De La Isla asked all those in favor of recessing into executive session to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the motion carried unanimously on voice vote.
(9-0-0)

Following a 30-minute time period, the meeting reconvened into open session and Mayor De La Isla announced no action was taken during the executive session.

NO FURTHER BUSINESS appearing the meeting adjourned at 8:50 p.m.

(SEAL)

Brenda Younger
City Clerk