

Governing Body Minutes – November 16, 2021

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, November 16, 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, Padilla, Dobler, Duncan and Lesser -6; and Councilmembers Valdivia-Alcala, Ortiz and Naeger participated remotely -3. 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 November 16, 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 November 16, 2021, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Karissa Miller, First United Methodist Church Associate Pastor, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the reappointment of Carole Jordan to the Topeka Board of Zoning Appeals to fill an unexpired term ending December 3, 2024, was presented. (*Council District No. 1*)

BOARD APPOINTMENT recommending the reappointment of Lisa Stubbs to the Metropolitan Topeka Airport Authority Board for a three-year term ending December 1, 2024, was presented. (*Council District No. 1*)

BOARD APPOINTMENT recommending the reappointment of Helen Crow to the Topeka Board of Zoning Appeals to fill an unexpired term ending December 2, 2024, was presented. (*Council District No. 1*)

BOARD APPOINTMENT recommending the appointment of Carly Feldhausen to the Shawnee County Community Corrections Advisory Board for a term ending November 30, 2023, was presented. (*Council District No. 1*)

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

PRESENTATION on the 2020 Topeka Citizen Satisfaction Survey results was presented by Ryan Murray, ETC Assistant Director of Community Research.

Councilmember Valdivia-Alcala requested a breakdown of information by zip code. She asked how many surveys were distributed; and what were the survey results for code enforcement specifically.

Councilmember Hiller spoke in support of providing information by zip codes.

Ryan Murray reported approximately 2,500 surveys were mailed to citizens and they could provide zip code cross tabulations as well as by council district. He suggested the City conduct a short poll survey to help address hot topics such as code enforcement.

PRESENTATION on the City of Topeka Winter Operations was presented by James Jackson, Public Works Director and Incident Commander; and Tony Trower, Deputy Director of Operations and Snow Coordinator.

Councilmember Valdivia-Alcala asked if the GPS map includes residential streets as this would be an excellent tool for improved communication with residents for all types of street services.

Councilmember Padilla commended Staff for implementing COVID-19 precautions and working on a winter operations plan well ahead of the winter season. He thanked Director Jackson and Deputy Director Trower for changing the Street Department culture and moral.

Councilmember Ortiz asked Staff to release contact information if driveways are blocked with snow and asked what the snow removal plan was for downtown and residential areas.

Tony Trower stated any streets where a truck with GPS travels will be highlighted on the map. He stated he also plans to implement the program to display road conditions as inclement weather incidents progress.

James Jackson stated personnel will be staged in order to avoid an entire street team from becoming effected with the COVID-19 virus.

Brent Trout, City Manager, stated residents should contact the City Call Center at 785-368-3111 to report winter weather concerns.

PRESENTATION on the City the Topeka 3rd Quarter Financial Report was presented by Stephen Wade, Administrative and Financial Services Director.

Councilmember Valdivia-Alcala referenced page 54 as it relates to active and inactive vender diversity and asked who determines the proposed goal for 2022. She referenced the Topeka Municipal Code and a program review committee that reviews the City's minority and disadvantaged businesses and asked when the committee was created. She requested to have the diversity information posted on the City website.

Stephen Wade stated he will follow up with the Governing Body on the vendor information and will report on 2022 goals at a December Governing Body meeting.

Brent Trout stated the committee has been in place for a long period of time and will begin meeting again.

CONSENT AGENDA was presented as follows:

APPROVAL of a Utilities contract for \$199,720.00 between the City of Topeka and JEO Consulting Group, Inc. The consultant will provide design and bidding phase services for improvements recommended in the February 2021 23rd & Market Drainage Study, was presented. (*Contract No. 49925*)

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

PUBLIC HEARING

In regard to the issuance of Taxable Industrial Revenue Bonds in the principal amount not to exceed \$10,000,000 to pay the costs of acquiring, renovating, improving, installing, furnishing and equipping the former Topeka Holidome as a workforce rental housing development with approximately 140 units of multifamily housing, all located at 605 S.W. Fairlawn Avenue, Topeka, Kansas.

RESOLUTION NO. 9274 of the Governing Body of the City of Topeka, Kansas, determining the advisability of issuing \$10,000,000 of Taxable Industrial Revenue Bonds for the purpose of financing the acquisition, renovation, improvement, installation, furnishing and equipping of a rental housing facility located in the City; and authorizing execution of related documents, was presented.

Brent Trout, City Manager, reported the project was discussed at the November 9, 2021, Governing Body meeting and Staff recommends approval. He stated this will be a great project that will address affordable housing needs in the city of Topeka.

Ben Hrouda, Flywheel Capital Managing Partner, stated the financing and contractors are ready to begin work on the project in January 2022 with the objective to remove the holidome to create a courtyard effect with affordable rent and occupy a property that has been vacant for the past four years.

Mayor De La Isla opened the public hearing and asked if there was anyone present who would like to speak to the matter. Upon no one appearing, the public hearing was closed.

Councilmember Hiller reported that she was contacted by concerned citizens that this was a City of Topeka grant. She asked the City Manager to clarify the IRB process.

Brent Trout stated the City is selling industrial revenue bonds and the City has no obligation for repayment to the bonds. He stated the process is a pass-through action and the responsibility to repay the bonds rests with the individual who is completing the project. He stated this is an opportunity for the City to assist with the financing and also provide some tax relief with regards to the property. He stated the developer usually receives a better tax rate for the borrowing of funds and savings on the property tax for a ten-year period.

Councilmember Naeger spoke in support of this constructive solution to rehabilitating the building and providing affordable workforce housing in Topeka.

Councilmember Lesser moved to approve the resolution. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (10-0-0)

AUTHORIZING a public hearing for December 7, 2021, for the purpose of hearing and answering objections of taxpayers relating to the proposed amendments to the 2021 Operating Budget, was presented.

Brent Trout, City Manager, stated approval would set a public hearing date of December 7, 2021, and authorize publication of the notice in the Topeka Metro Newspaper on November 22, 2021.

Stephen Wade, Administrative and Financial Services Director, reported the anticipated budget amendments of the IT Fund requesting an additional \$125,000 is due to overages; and the second request is for the Federal Fund Exchange to increase the amount from \$775,000 to

\$1,562,166. He noted the City receives the federal funds after the budget process and this is a request to spend the money that has been received.

Councilmember Emerson moved to set the public date for December 7, 2021, and authorize publication of the notice in the Topeka Metro Newspaper. The motion seconded by Councilmember Padilla carried unanimously on roll call vote. (10-0-0)

ORDINANCE introduced by Councilmember Spencer Duncan, concerning downtown curbside parking, amending Topeka Municipal Code Sections 10.05.010 and 10.60.220 and repealing original sections, was presented.

Councilmember Duncan stated he requested the ordinance be added to the agenda in an attempt to address concerns raised by local business owners about being able to continue to provide curbside service now that parking meter enforcement has resumed.

Councilmember Hiller expressed her appreciation to Councilmember Duncan for his interest in the subject matter; however, she will not support the ordinance because it has not been vetted by stakeholders as well as it is not an urgent matter that has never been an issue. She stated she believes there are technical problems with the language of the ordinance and there needs to be more conversation as it relates to the overall downtown parking plan.

Councilmember Hiller moved to withdraw the ordinance from the agenda. The motion died due to a lack of second.

Councilmember Lesser stated he believes there is an issue because he has received several phone calls from concerned downtown business owners and he believes the ordinance would provide a good compromise.

Councilmember Lesser moved to adopt the ordinance. The motion was seconded by Councilmember Duncan.

Councilmember Duncan noted many times Governing Body members need to advocate for issues through the City Council committee process; however, as a Governing Body they need to remain flexible. He recognized some of the concerns mentioned by Councilmember Hiller as valid; however, no timeline has been presented for the large code changes and small changes can still be made to accommodate the needs of downtown businesses while the larger changes are being worked through. He reported he has communicated with downtown establishments on a regular basis and if the ordinance is adopted, they can consider feedback in a few months and make improvements as needed. He stated he spoke with representatives from Downtown Topeka, Inc. (DTI) to make sure they do not have serious issues with the purpose of the ordinance and if they would like to see other things addressed. He stated he believes he has done his due diligence.

Councilmember Valdivia-Alcala spoke in opposition of rushing the issue and stated she would not support the ordinance.

Councilmember Hiller stated that she believes it is disrespectful that the small business sector of DTI has not been engaged with the proposal. She noted she is not sure there is a need for extra parking space for curbside carry-out services. She stated she would oppose the ordinance due to the adoption procedure being followed, not because she does not support discussing the issue or improving the language of the ordinance.

Mayor De La Isla offered a friendly amendment to consider the ordinance at the December 7, 2021 Governing Body meeting.

Councilmember Duncan stated he appreciates the offer; however, the motion as made still stands.

Councilmember Lesser stated he disagrees with Councilmember Hiller and believes the

phone calls Governing Body members have received from downtown investors is not disrespectful to the process. He stated he understands Councilmember Hiller's position; however, he has not received any communication from DTI and believes this is a good proposal.

Councilmember Emerson asked if a restaurant could rent a hooded meter for \$8 per day similar to a construction company.

Hannah Uhlrig, Parking Division Director, confirmed this was an option for restaurant owners. She stated the City has created 15-minute pick up zones to accommodate curbside pickup during the pandemic.

Councilmember Emerson stated he appreciates the proposal but because there is already an option in place that would basically do what the ordinance would accomplish he will not support the ordinance as proposed.

Councilmember Duncan stated not offering curbside parking to retail establishments has raised concern that they are not being treated fairly which is why that issue was included.

Mayor De La Isla spoke in opposition of making policy "on the fly" and spoke in support of deferring the ordinance to allow more time for discussion.

The motion to adopt the ordinance failed on roll call vote. Councilmembers Hiller, Valdivia-Alcala, Ortiz, Emerson, Naeger and Dobler voted "no." The Mayor did not vote. (*The proposed ordinance involved a matter of home rule on which the Mayor has veto authority.*)

(3-6-0)

AN UPDATE on the deployment of Bird Scooters in the City of Topeka, was presented.

Adam Davis, Bird Scooters Government Partnerships Manager, thanked the Governing Body for the opportunity to operate in the city of Topeka. He provided an overview of the Topeka Bird Pilot Program that has been in place for one year including Topeka ridership

numbers throughout the city, new scooter equipment updates and rider feedback.

Councilmember Duncan asked what the new scooter weighs compared to the current scooter being used. He asked if someone can download the application in order to report issues with the scooter. He suggested continuing to work on keeping sidewalks clear for access.

Adam Davis stated if someone downloads the Bird Scooter application they can select the “community mode” button in order to report issues with a scooter. He stated the new scooters are heavier weighing approximately 55 pounds.

Councilmember Hiller asked for feedback on the geo-fencing areas. She inquired on their ideas as it relates to looking forward at areas where scooter riding is prohibited. She asked if the overall ride volume has sustained and if people are able to ride the scooter on sidewalks.

Mahir Modgil, Bird Scooters Operations, stated the “no wheels” zone will continue in order to maintain safety. He stated they have received a lot of feedback regarding the area around Gage Park and downtown concerning the no ride zones and are open to discussion on this topic. He stated they will continue to advocate ridership education.

Joseph Ledbetter stated he serves as a member of the Metropolitan Transit Authority Board as well as the Shawnee County Parks and Recreation Board; however, his comments are his own. He stated Gage Park continues to receive a lot of damages from the scooters with no reimbursement by Bird Scooters. He stated it is a huge liability to allow scooters on the Shawnee County Trails; Topeka Metro Bus drivers do not support scooters on the buses and the parking of scooters at the bus station. He stated both organizations have not been a part of the conversation or input and there is a need to include all stakeholders to have a successful program.

DISCUSSION concerning the Citizen Advisory Council and Neighborhood Improvement Associations, was presented. *(Deferred from the meeting of November 9, 2021)*

Brent Trout, City Manager, reported amendments to the Citizen Advisory Council (CAC) and Neighborhood Improvement Associations (NIA) ordinances are part of the overall update of Title 2 of the Topeka Municipal Code resulting from the abolishment of the Department of Neighborhood Relations (DNR) and the creation of the Community Engagement Division. He noted previously DNR staff worked with the CAC and the NIAs and now that responsibility rests with the Community Engagement Division. He reported the proposed ordinance has been reviewed by the CAC.

David Bawden, Oakland NIA President, stated infrastructure remains the biggest issue to improve neighborhoods. He requested a list of requirements of various City divisions to interact with NIAs and keeping them informed.

Councilmember Valdivia-Alcala stated when she reviewed the proposed ordinance she noticed there were no term limits for CAC members and asked if this is correct and if the responsibility of attendance records will lie with the CAC. She thanked Mr. Bawden for his work in the neighborhood and noted the most important aspect of the community engagement process is staying involved with the neighborhoods.

Brent Trout confirmed there are no term limits for CAC members and CAC members will assume the responsibility of attendance; however, City Staff will still attend CAC meetings.

Councilmember Hiller highlighted her history of working with neighborhoods as it relates to the CAC. She expressed concern with changing the ordinance language as it relates to limiting the purpose of the CAC in the advising of expending funds and asked if this was intentional. She referenced lines 122-125 of the ordinance related to annual neighborhood

improvement plans and submitting such plans to CAC and the Community Engagement Director. She stated this is very narrow language to be included in an ordinance.

Brent Trout stated the ordinance language has been approved by CAC; however, the Governing Body can still make recommendations and then present them to the CAC for review. He suggested submitting questions to the City Manager's office or to the Community Engagement Director Monique Glaude, as well as to the CAC at their December meeting.

DISCUSSION regarding the 2022 Topeka DREAMS Grant Awardees, was presented. (*Deferred from the meeting of November 9, 2021.*)

Brent Trout, City Manager, stated in 2020, the Governing Body approved the provision of \$200,000 of annual competitive funds for Neighborhood Improvements each year to support the newly created Topeka DREAMS Grant Program.

LaToya Burnett, Community Engagement Division, reported based on recommendations from the Citizen Advisory Council and the Topeka DREAMS Committee the Community Engagement Division revised the program formerly known as Empowerment and developed the Topeka DREAMS Grant Program. She provided an overview of the 2022 Topeka Dreams Grant Program and process; types of projects and funding sources; projects received; applicant scores; and project funding recommendations in the amount of \$191,030.63.

Mayor De La Isla commended the City on implementing such a great program.

Councilmember Naeger stated she is proud to empower neighborhoods and looks forward to continuing the program in the future.

Councilmember Valdivia-Alcala stated she believes this will be a beneficial program and commended Councilmember Hiller for pushing forward on the initiative.

Councilmember Hiller commended Staff and the CAC on working together in vetting the

applications.

PUBLIC COMMENT was provided by the following individuals.

John Rush asked for assistance from the City as it relates to an incident that took place at his residence on August 7, 2021, and requested information on which law enforcement agency was responsible for the helicopter that hovered over his residence.

Laura Pederzani, North Topeka West resident, referenced her email to the Governing Body requesting they consider existing infrastructure needs and the critically underserved area neighborhoods that need to be addressed through ARPA funding. She stated she would like the North Topeka West neighborhood to have the same public safety luxuries as other neighborhoods.

Sandra Lassiter stated she believes there is a need to fill the City Manager position with a person from the area that is vested in the community. She spoke in support of the Police Chief candidate from Detroit Michigan because she has a clear vision of reform not defunding the Topeka Police Department.

Kelly Rush requested assistance from the City to find out who is responsible for the incident that took place at her residence on August 7, 2021, and requested information on which law enforcement agency was responsible for the helicopter that hovered over her residence.

ShaMecha Simms referenced the opportunity to use ARPA funding to implement a Universal Basic Income (UBI) pilot program in Topeka and the importance of providing starting blocks for individuals who need it the most. She suggested the City's COVID Basic Needs Fund in the amount of \$300,000 be used to start a UBI program in Topeka.

Joseph Ledbetter distributed a handout related to the annual water main replacement program. He requested the City of Topeka charter ordinance be amended to require Governing

Body approval of all contracts over \$50,000. He stated he believes the Governing Body should set their own meeting agenda. He referenced the water rate increase in January 2022 of 7.5% which is equivalent to a 33% increase over 3 years. He stated there is an ongoing problem of not keeping up with water main replacement as outlined in the Capital Improvement Plan (CIP) along with increased water main breaks.

Lazone Grays distributed a handout and thanked City Manager Trout for establishing vendor diversity goals and thanked Councilmember Valdivia-Alcala for helping to move the implementation of the initiative forward.

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

Mayor De La Isla announced she will be absent as well as Deputy Mayor Padilla from the December 7, 2021, Governing Body meeting.

Councilmember Naeger stated she participated in the November 12, 2021, Free Dental Military Care Day providing dental services free of charge to military personnel. She announced November as National Native American Heritage month.

Councilmember Dobler expressed concern with the high cost of replacing infrastructure without growing the community. He stated there is a need for the City to look for opportunities to grow and he will continue to work on growing the community.

Councilmember Hiller commended Councilmember Dobler for his efforts to grow the community. She announced on December 15, 2021, the Topeka United will hold a program at the First United Methodist Church called "Peace." She stated the Mosaic Partner Pairs program for Topeka United is wrapping up and the new program will start next year.

Councilmember Valdivia-Alacla announced the Topeka LULAC will hold their mural

dedication on November 19, 2021, in the Oakland neighborhood. She also announced the NOTO Arts District Christmas event will take place on November 20, 2021 beginning at 4:00 p.m. She thanked Ms. Simms for her comments and her suggested approach for improving the community. She stated she received a lot of phone calls and emails regarding the lack of transparency in the hiring of a new police chief.

Councilmember Emerson stated he concurs with Councilmember Dobler's comments related to the increased cost of infrastructure. He stated ARPA funding needs to be used to fix existing infrastructure in order to get ahead of the issue as well as they need to think outside of the box to figure out ways to grow Topeka.

Councilmember Padilla concurred with the comments concerning the need to grow Topeka. He expressed the importance of finding a way to create a place where people feel welcome and want to call it home.

Councilmember Emerson moved to recess into executive session for a period of 20 minutes to discuss an individual employee's performance, pursuant to KSA 75-4319(b)(1). To aid in the discussion, the following individuals were present: Members of the Governing Body, City Manager, Brent Trout; Human Resources Director, Jacque Russell and City Attorney, Amanda Stanley. No action was anticipated when the meeting resumed open session in the City Council Chambers. The motion was seconded by Councilmember Dobler.

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.
(10-0-0)

Following a 20-minute time period, the meeting reconvened into open session and Mayor De La Isla announced no action was taken during the executive session.

Councilmember Padilla moved to extend the Governing Body meeting beyond 10:00 p.m. The motion seconded by Councilmember Emerson.

Mayor De La Isla asked all those in favor of extending the Governing Body meeting past 10:00 p.m. 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)

Councilmember Lesser moved to recess into executive session for a period of 45 minutes to discuss individual applicants for employment and other personnel matters related to individual city employees, pursuant to KSA 75-4319(b)(1). 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 and City Attorney, Amanda Stanley. No action was anticipated when the meeting resumed open session in the City Council Chambers. The motion was seconded by Councilmember Dobler.

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. (10-0-0)

Following a 45-minute time period, the meeting reconvened into open session and Mayor De La Isla announced no action was taken during the executive session.

Councilmember Emerson moved to recess into executive session for a period of 40 minutes to continue discussion on individual applicants for employment and other personnel

matters related to individual city employees, pursuant to KSA 75-4319(b)(1). 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 and City Attorney, Amanda Stanley. No action was anticipated when the meeting resumed open session in the City Council Chambers. The motion was seconded by Councilmember Dobler.

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 on voice vote.

Councilmember Ortiz voted “no.” (9-1-0)

Following a 40-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 10:20 p.m.

(SEAL)

Brenda Younger
City Clerk