

Governing Body Minutes – January 4, 2022

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, January 4, 2022. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M.

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 January 4, 2022, 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 January 4, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Minister Kevin Ray, Crestview United Methodist Church and Grace United Methodist Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

A SWEARING IN CEREMONY was conducted for the following elected officials by Karan Thadani, Municipal Court Judge:

- Michael A. Padilla, Mayor
- Karen A. Hiller, Council District No. 1
- Sylvia E. Ortiz, Council District No. 3
- Brett D. Kell, Council District No. 5
- Neil Dobler, Council District No. 7
- Michael A. Lesser, Council District No. 9

ROLL CALL commenced with the following Governing Body members present:
Councilmembers Ortiz, Emerson, Dobler, Duncan and Lesser -5; and Councilmembers Hiller, Valdivia-Alcala and Naeger participated remotely -3. Mayor Padilla presided - 1.

CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20334 introduced by Interim City Manager William Cochran authorizing initiation of condemnation proceedings to acquire property interests for a street improvement project at SE California (37th to 45th)(Project No. T-701021.00), was presented.

ORDINANCE NO. 20335 introduced by the Interim City Manager William Cochran authorizing initiation of condemnation proceedings to acquire easements for a street and utility improvement project at NW Tyler Street (Lyman to Paramore)(Project Nos. T-701019.00; 701034.00), was presented.

ORDINANCE NO. 20336 introduced by Interim City Manager William Cochran authorizing initiation of condemnation proceedings to acquire easements for a street improvement project at SW 12th Street (Project No. T-701016.00), was presented.

RESOLUTION NO. 9285 introduced by Interim City Manager William Cochran, authorizing the City of Topeka's participation in the Kansas Municipal Investment Pool and authorizing signatories and rescinding City of Topeka Resolution No. 9236, was presented.

RESOLUTION NO. 9286 introduced by Interim City Manager William Cochran, naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatories and rescinding City of Topeka Resolution No. 9235, was presented.

APPROVAL of a Professional Consulting Services Contract between the City of Topeka and May 8 Consulting, Inc. to aid the City in evidence-based research analysis and effective implementation strategies for the City's Changing our Culture in Property Maintenance Project,

was presented. (*Contract No. 50030*)

APPROVAL of an amendment to City of Topeka Contract No. 49280 for Professional Engineering Services between the City of Topeka and Alfred Benesch & Company to provide an additional scope of services related to the 7th and Quincy Intersection Improvement CIP Project T-141020.07, was presented. (*Contract No. 50054*)

APPROVAL of a Public Works contract for Professional Engineering Services between the City of Topeka and JEO Consulting Group, Inc. to provide engineering evaluation and technical findings for the development of conceptual plans in 2022 for three years of street improvement projects, was presented. (*Contract No. 50031*)

MINUTES of the regular meeting of December 21, 2021, was presented.

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

DISCUSSION regarding the process for the recruitment of a City Manager, was presented.

Jacque Russell, Human Resources Director, highlighted potential options to recruit a permanent City Manager. She asked the Governing Body to consider the current position description as well as the pros and cons of hiring a national verses local search firm to assist with the process.

Councilmember Dobler spoke in opposition of hiring a national search firm; however, he believes there is a need to have professional distance between Human Resources Staff and the local firm hired to find qualified candidates.

Councilmember Lesser states he concurs with Councilmember Dobler. He reported he has contacted local firms and he believes they have the ability to reach local qualified candidates at a

significantly less price than \$50,000 by issuing a request for qualifications (RFQ).

Councilmember Ortiz referenced past experiences in hiring a City Manager and stated she supports using a local firm.

Councilmember Kell confirmed background checks would be performed on all candidates.

Councilmember Emerson stated he agrees with hiring a local firm to search for candidates.

Councilmember Hiller expressed the importance of hiring a firm that will really work to find qualified candidates. She encouraged Staff to distribute the job description to citizens so they can provide input on the position and process.

Councilmember Kell stated he concurs with Councilmember Hiller and suggested interested parties meet with the search firm hired to help the firm understand the citizens' point of view.

Mayor Padilla spoke in support of hiring a local search firm and encouraged Governing Body members to serve as a point of contact for their constituents relating to the search of a permanent city manager.

Councilmember Valdivia-Alcala spoke in support of hiring a local firm. She expressed the importance of the firm not only interacting with Human Resources Staff but also the Governing Body and to make sure transparency is supported through the entire process.

Jacque Russell reported the search process could include what has been requested by the Governing Body. She reported that typically she is part of the dialog with the Governing Body and the search firm in order to understand the qualifications of what the Governing Body is seeking. She stated the firm will help them narrow the pool of candidates which can be an

interactive process as determined by the Governing Body.

Joseph Ledbetter stated he believes citizens want a local person to fill the City Manager position to make sure the City continues to progress. He spoke in opposition of using a national search firm and believes there is a local qualified candidate that could fill the position. He stated he believes Staff disrespects the Governing Body as well as the citizens of Topeka and new leadership could change this problem.

Oshara Hays stated she believes the person that will serve as the city manager must listen to the citizens of Topeka because that is who they will serve.

PUBLIC COMMENT was provided via email by Joseph Ledbetter and Clark Trammell (Attachment A) and by the following individual:

Joseph Ledbetter stated he emailed the Governing Body regarding his statements. He stated he believes the City needs to change their Charter Ordinance as it relates to the approval of contracts, setting the Governing Body agenda, as well as publish agendas two weeks in advance with no changes.

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

Brenda Younger, City Clerk, provided an overview of the January 11, 2021, Governing Body meeting agenda.

Councilmember Valdivia-Alcala stated she looks forward to implementing the Change in Culture initiatives for property maintenance. She thanked the individuals volunteering to serve on the budget committee and providing their input for the 2023 City of Topeka Operating Budget process.

Councilmember Ortiz thanked citizens for allowing her to serve as their Council District representative. She announced Yak 'n Yarn located at 5331 SW 22nd Place is accepting clothing donations for tornado victims in Kentucky. She thanked Street Department crews for their work during the recent snow storm.

Councilmember Emerson welcomed all returning and newly elected Governing Body members and stated he is looking forward to serving with them.

Councilmember Kell thanked all citizens for allowing him to serve as their Council District representative and thanked Executive Assistant, Elizabeth Toyne for helping him acclimate to the position.

Councilmember Naeger encouraged all citizens to get vaccinated due to the increased number of COVID-19 pandemic cases. She stated more information can be found <https://www.vaccines.gov/>.

Councilmember Dobler welcomed Councilmember Kell and congratulated all those re-elected. He referenced Resolution No. 9270 approved by the Governing Body in October 2021 related to parking meters along the 100 blocks of Kansas Avenue between 6th and 10th Streets. He reported the Public Infrastructure Committee initially recommended approval of the resolution because it had monetary impacts to the parking fund as well as COVID-19 pandemic cases were decreasing with the hopes of business returning to normal. However, since that time, pandemic cases continue to resurge and Committee members have received a lot of input from local businesses and how the change impacts them. He announced he plans to request that the Governing Body rescind the resolution at the January 18, 2022, Governing Body meeting, with plans to bring back a modified proposal at a later date. He noted the overall goal is to redevelop

a downtown parking plan that makes sense for 2022. He asked the Governing Body for their support of this action.

Councilmember Duncan welcomed students from the Harvard Kennedy School's (HKS) Taubman Center for State and Local Government visiting the City of Topeka January 6-17, 2022. He referenced the Taco Casa restaurant located at 29th and Arrowhead that has been in operation for over 37 years, and thanked owner Laurie Clark and her family for their positive contributions to the community. He expressed his appreciation to Kevin Dunford for purchasing the business and continuing operations.

Councilmember Lesser encouraged citizens to get vaccinated and/or their booster due to the increase in COVID-19 pandemic cases. He recognized a group of Topeka Police Officers for donating money to a family whose U-haul was stolen during a stop in Topeka on December 25, 2022.

Councilmember Ortiz requested amending the Topeka Municipal Code to accommodate the Deputy Mayor elections to occur at the first meeting in January each year.

Mayor Padilla introduced the students from the Harvard Kennedy School's (HKS) Taubman Center for State and Local Government. He congratulated returning Governing Body members and welcomed new Councilmember Kell. He stated he looks forward to the work that will be accomplished and encouraged citizens to get involved with local government, ask tough questions, and hold them accountable for transparency in government.

Councilmember Ortiz moved to recess into executive session for a period of 20 minutes to discuss matters related to an individual employee pursuant to KSA 75-4319(b)(1). To aid in the discussion, the following individuals were present: Members of the Governing Body and Interim City Manager William Cochran. No action was anticipated when the meeting resumed

open session in the City Council Chambers. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (10-0-0)

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

NO FURTHER BUSINESS appearing the meeting adjourned at 7:25p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

Kelly L. Bogner

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, January 4, 2022 2:47 PM
To: City Clerk; City Council; Neil Dobler; Tony Emerson; Michael Padilla; Michael Lesser; Bill Cochran; Sylvia Ortiz
Subject: Recruiting for Manager On the record.



This message could be suspicious

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I am concerned about the complete lack of knowledge of our government and our community by persons recruited from out of town.

I want a focus on hiring a Topeka citizen that is an actual homeowner here. Preferably having family here also, and can prove through their concern for this city, that they have actually been involved here in the community. They also must have real problem solving capability and great analytical and investigative skills, and leadership abilities. Business experience and budgeting training/ education are a plus.

I am no longer interested in someone from out of town. If that is our course then lets change the form of government back to a strong mayor form promptly so we can elect someone locally.

Sincerely:

Joseph Ledbetter JD,MPA

Brenda Younger

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, January 4, 2022 3:27 PM
To: City Clerk; City Council; Bill Cochran; Sylvia Ortiz; Tony Emerson; Neil Dobler; Michael Lesser; Michael Padilla; Karen A. Hiller
Subject: Reforms needed in this Government For the Record Public Comments The following are real needed reforms.



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1. Change the Charter Ordinance so that "ALL contracts and expenditures of \$ 50,000.00 must be approved by a majority vote of the Governing Body on the record, and in an open meeting. Terms of any contract shall be a maximum of one year. Any change orders over \$30,000.00 to an underlying contract must be approved by a majority vote of the Governing Body on the record and in an open meeting".

Topeka City Council Rules changes NEEDED. These are the following I believe are needed:

1. The City Council shall set the City Council meeting agenda.
2. The City Council meeting agenda shall be published on the City website prominently two weeks in advance and shall not be changed.
3. "Public comment shall be allowed on any presentation made during the City Council Meeting."
4. Public comment shall be allowed on any expenditure or contract item. Normal rules of signing up ahead of time shall be followed.
5. If someone requests to speak at the beginning of the meeting for public comment instead of at the end it can be requested by that party when they sign up.

Additionally I believe ALL utility projects and contracts should ALWAYS be run through the Infrastructure Committee.

Also, I believe since policies and budgets are being started and formed in some committees I would like a rule allowing the public to comment in committee meetings when actions are being contemplated, or where input on items is being sought by staff or others. The public input is also very important and needed.

Sincerely,

Joseph Ledbetter, JD ,MPA

Kelly L. Bogner

From: cwiliet@aol.com
Sent: Wednesday, January 5, 2022 2:08 PM
To: City Council; City Clerk
Subject: City Manager



This message needs your attention

- This is their first email to you.
- This is a personal email address.

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Greetings...As you initiate your process of hiring the new City Manager I would hope that you look in-depth for a qualified, local candidate. It is time to put someone in this seat from Topeka and who understands this community from the inside out. We have the talent in this town you just need to pursue it and look hard as it will surface. It is past time to have a strong and effective local professional in this seat for all the right reasons. The community stakeholders (taxpayers) are watching with great anticipation and hope.

Respectfully submitted,

Clark W. Trammell, Taxpayer