

Governing Body Minutes – January 11, 2022

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, January 11, 2022. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M. with the following Councilmembers present: Councilmembers Valdivia-Alcala, Emerson, Kell, Dobler and Duncan -5; and Councilmembers Hiller, Ortiz, Naeger and Lesser participated remotely -4. Mayor Padilla 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 January 11, 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 11, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Duncan asked for a moment of silence in observance of Alexander Servantez, a child who lost his life in a house fire on January 10, 2022.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of January 4, 2022, was presented.

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

AN UPDATE on the Metropolitan Topeka Airport Authority (MTAA), was presented.

Eric Johnson, MTAA President and Director of Airports, stated he provided a letter of

response to questions asked by Staff in the agenda packet. He provided an overview of the overall operations, COVID funding opportunities and air service recruitment efforts.

Councilmember Dobler asked if the total amount of COVID relief funds is \$19 million and if any of those funds could be used to cover the Minimum Revenue Guarantee. He inquired on the total amount of the MTAA annual budget.

Councilmember Emerson asked why the Topeka Regional Airport received \$16,867,555 of CARES Act Funding compared to only \$30,000 for the Billard Municipal Airport and inquired on the following:

- In reference to the replacement of the Billard Airport terminal building, is MTAA requesting community input as well as user input on how to improve the airport and if there would be discussions on the other projects.
- The sale of airport property. He stated if airport property is sold, the MTAA would see a yearly revenue and the City of Topeka and Shawnee County would also benefit from the tax revenue.
- The leasing of airport buildings for the purpose of generating revenue.

Councilmember Duncan asked if MTAA has a vision for the next two years regarding the 200 acres of underutilized property.

Councilmember Lesser stated the majority of the City Council, the Greater Topeka Partnership and JEDO Board have identified the airport as the next economic development priority for the community. He inquired on leasing efforts and the sale of property being made by MTAA.

Councilmember Kell inquired on the top goal of MTAA to utilize allocated funds in the short-term and long-term. He expressed the importance of having a variety of travel destinations in order for the airport to be successful and contribute to economic development in the Topeka-Shawnee County area.

In response, Eric Johnson provided the following information:

- The MTAA annual budget is \$5 million. COVID funding cannot be used for the Minimum Revenue Guarantee; however, funds can be used for operational expenses, personnel costs and capital improvement developments.
- He stated the Federal Aviation Administration (FAA) has allowed the MTAA to use the funds for approved projects at either airport.
- CARES Act funding is based on an allocation formula mandated by the Federal Government. MTAA received approximately \$16.9 million in CARES Act funding along with two more grants as identified. He thanked U.S. Senator Jerry Moran for his efforts in securing the second highest grant amount allocated in the State of Kansas to the Topeka Regional Airport.
- In reference to the airport Master Plan, they have identified needed improvement projects such as the water flooding issues at the Billard Municipal Airport.
- Fuel farm replacement is being considered at both airports.
- MTAA continues to work with the Topeka Chamber of Commerce and the Greater Topeka Partnership in pursuing aeronautical development and will do everything they can to work towards increasing economic development in the city.
- The scope and method of selling buildings below market value generated no real revenue.
- Improvements to buildings increased revenues through leasing by more than 40%. He reported he has been advised not to discuss leasing terms right now due to pending litigation; however, he would be happy to discuss this matter at a later time.
- Multiple flight destinations is the goal of MTAA; however, he wants to be assured that the airlines will partner with the airport.

Councilmember Dobler stated he is ambivalent about growth at the Topeka Regional Airport, because the tax generated does not benefit the City. He asked the City Attorney to research if the City could annex the entire airport property. He asked Matt Pivarnik, Greater Topeka Partnership, how important daily passenger service is in terms of growth in the community.

Matt Pivarnik, President and CEO of Greater Topeka Partnership, stated the service is critical from a tourism standpoint as they miss out on opportunities to create more transient guest tax and grow opportunities for employment. He stated there are approximately seven to eight aviation businesses on their prospect list at this time.

Councilmember Emerson inquired on the terms of leasing airport property as well as on the sale of airport property.

Eric Johnson stated land leases are offered to fit the needs of those interested in leasing.

He stated he would prefer to explain lease details at a later time and noted airport property could not be sold without approval by the FAA.

Councilmember Emerson requested MTAA provide an update on the lease and sale of airport property at a future Governing Body meeting.

Mayor Padilla reported aeronautics remain a top priority for the community as they continue efforts to make MTAA affordable and attractive by utilizing the land. He inquired about changes to leasing policies, buildings available for lease and explanation of definitions used.

Erick Johnson stated that he would report back to the Governing Body at a later date.

DISCUSSION of the 2023 Social Service Grants recommendations for Calendar, Priorities, Scoring Sheet, and Continuation of Contract with Vendor, was presented.

Councilmember Hiller, Social Service Grants Committee Chair, reported on the annual process. She stated the Committee will conduct a gap analysis meeting in September or October of 2022 to review what services are being funded regardless of who is funding them and whether there are gaps in services. She also reported this will be the second year United Way of Greater Topeka was utilized as a vendor and the Committee fully supports their continued use as a vendor. She referenced the 2023 Grant Process Timeline, Social Services Scoring Sheet and the Social Services Funding Priorities and stated the Committee recommends approval of the three documents as updated and to continue utilizing United Way of Greater Topeka.

Councilmember Ortiz asked why the contract amount for services with United Way continue to increase each year.

Councilmember Valdivia-Alcala stated she hopes they take into account that United Way continues to do a very good job and provides great customer service. She asked for the

Governing Body to support using United Way as the vendor for services.

Councilmember Emerson thanked Councilmembers Hiller and Valdivia-Alcala for their hard work on this difficult process.

Mayor Padilla and Councilmember Lesser thanked the Committee for their hard work and noted it can be a challenge.

Councilmember Hiller stated the United Way services contract was previously set at \$21,000 annually; however, United Way requested additional funding and former City Manager Brent Trout negotiated the contract amount at \$40,000 for next year.

Councilmember Duncan asked if a review process has been implemented for grantees who apply.

Councilmember Hiller stated the Committee has worked hard to involve agencies in the process from the beginning and the appeal process has been utilized as well.

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

Jacque Russell, Human Resources Director, referenced the Request for Proposal (RFP) draft scope of work she distributed to the Governing Body via email and included in the agenda packet. She reported preferred firms should have experience with public-sector executive recruitment and placement as well as a proven track record for recruitment and placement of city managers in municipalities; preferably municipalities operating under a Council/Manager form of government. She also reported preference will be given to firms who can demonstrate an intimate familiarity with the Topeka community, and economy and current issues of significance for City of Topeka Municipal Government. She highlighted the following:

Marketing

- The selected firm would complete marketing Human Resources Director, City Attorney, Mayor, Council Members, and any other City Staff assigned; prepare a description of the job requirements and develop an appropriate candidate profile.
- Develop a recruitment flyer and brochure as well as develop and implement a recruitment plan to identify potential qualified candidates.
- Source currently employed executive candidates.
- Conduct preliminary interviews of those candidates whose background meets the requirements.

Proposal Format

All information submitted becomes the property of the City of Topeka. Proposals received after the time indicated in this request will not be considered. The proposal shall include the following:

- Similar recruitment experience in other municipalities or comparable industries
- Qualifications, availability and accessibility of personnel
- Knowledge of the City’s form of government and the role of City Manager, Mayor and Council
- Information demonstrating a familiarity with the Topeka community, economy and current issues of significance
- Proposed service schedule

Councilmember Duncan referenced Section I. of the document. He stated he disagrees with the last portion (see strikethrough below) of the second sentence in this section that states, “preferably municipalities operating under a Council/Manager form of government.” He noted he is not sure local firms will have this type of experience and asked the Governing Body for their input on this very specific requirement.

Section I. Introduction

The City of Topeka is seeking proposals from experienced executive search firms to assist in all aspects of the recruitment process for its next City Manager. Preferred firms should have experience with public-sector executive recruitment and placement and a proven track record for recruitment and placement of City Managers in municipalities. ~~preferably municipalities operating under a Council/Manager form of government.~~ Preference will be given to firms who can demonstrate an intimate familiarity with the Topeka community, economy, and current issues of significance for the City of Topeka municipal government. The City may engage the selected firm to conduct additional executive-level searches throughout the duration of the contract as the City may deem necessary. Additional services for search initiatives will be at the request of the City.

Councilmember Dobler stated he concurs with Councilmember Duncan and suggested removing the language in Section I. He referenced Section VIII., Contract Term of the document. He asked if the City plans to use the firm to complete other executive-level searches.

Jacque Russell stated this same language “executive-level search initiatives” has been included in the two previous scope of work documents utilized by the recruitment firm to select previous city managers. She reported the language was included in the document in case the Governing Body would like to utilize the firm for other executive-level searches; however, the language can be modified to reflect only a city manager search.

Councilmember Lesser stated he concurs with Councilmembers Duncan and Dobler and believes the language should be removed from Section I. of the document.

Councilmember Kell stated he agrees with other Councilmembers and believes the language should be removed from Section I. of the document. He stated if the scope of work is too specific the options will be too limited for local firms.

Councilmember Emerson inquired on the position description.

Jacque Russell stated the firm selected will help finalize the position description to be included in the scope of work.

Mayor Padilla inquired on the next steps to move forward with the search for a permanent city manager.

Jacque Russell stated she will make the modifications to the scope of work with the goal of soliciting for responses beginning January 14, 2022, and continuing for the typical 21-day period or there may be a possibility to shorten the time frame; however, she will have to consult with City’s Contracts and Procurement Director. She reported they plan to present responses to the Governing Body for review no later than February 8, 2022.

Councilmember Ortiz asked if the firm will be assisting until a suitable candidate is found.

Jacque Russell stated that will be a component of the actual agreement for the selected firm and would not typically be included in the language of the scope of work for soliciting bids and responses.

Councilmember Naeger asked Staff to clarify the process moving forward and if there would be more discussion at the January 18, 2022, Governing Body meeting. She expressed the importance of having a solid plan as they move forward with the process.

Jacque Russell stated the scope of work can be revised and sent out to the Governing Body and discussed at the January 18, 2022 Governing Body meeting.

Mayor Padilla requested an opportunity to discuss the details of the RFP with Interim City Manager Cochran and City Attorney Stanley before the final RFP is considered by the Governing Body for approval.

Councilmember Hiller questioned how proprietary the information is as it relates to recruiting search agencies seeking individuals looking for high profile jobs such as a city manager. She asked for more information on how difficult it may be for a firm to complete government executive-level searches without having any experience in this particular network.

Jacque Russell reported there are various challenges; however, current city managers that may be looking for new opportunities want to do so in confidence. She stated typically, candidates have an established relationship with an executive search firm that will make them aware of those opportunities in other cities. She noted direct networking would be difficult to establish for a firm that does not specialize in the service of recruiting city managers.

Councilmember Hiller suggested that a question be added to the RFP language asking

consulting firms if they do not usually work in the field of city manager recruitment, what connections do they have and/or what are their plans to optimize their reach for recruitment.

DISCUSSION regarding Outcome Based Budgeting for the City of Topeka, was presented.

Stephen Wade, Director of Administrative and Financial Services, reported Patty Gentrup, Consulting Services Manager with the KU Public Management Center would discuss the opportunity to involve the public in the City's 2022 Operating Budget and the next Capital Improvement Plan and Budget cycle

Patty Gentrup, Consulting Services Manager, KU Public Management Center, stated she would discuss community priority setting, the first step in Outcome Based Budget. She presented the following information:

Topeka's 2022 Budget Priorities

- Continuing a Commitment to Developing Neighborhoods
- Selected Strategic Investments toward Quality of Life
- Investing in Infrastructure
- Continuing a Commitment to Public Safety
- Improving Fiscal Sustainability/Good Governance

Stakeholder Engagement

- Objectives:
 - Determine What Success Looks Like
 - Identify Specific Goals and Objectives
 - Ascertain Community Priorities
- Six Workshops:
 - The first five workshops will focus on a specific priority
 - The final workshop considers the work of all five work groups
- Participation:
 - Citizens
 - Elected Officials
 - Staff

Tentative Workshop Agenda

- Welcome and Introductions
- Process Overview - Setting the Foundation (environmental scan)
- Envision the Future (determining success)
- Consider the Possibilities (identifying specific goals)
- Establish Priorities

Schedule

- January 25: Continuing a Commitment to Developing Neighborhoods
- January 31: Selected Strategic Investments toward Quality of Life
- February 3: Investing in Infrastructure
- February 7: Continuing a Commitment to Public Safety
- February 21: Improving Fiscal Sustainability/Good Governance
- March 10: Final Workshop Time: 4 p.m. – 8 p.m. Location: Cyrus K. Holliday Building, 620 S.E. Madison

Councilmember Valdivia-Alcala asked how long the Center has been participating in this type of budgeting concepts and offering this type of information as well as what benefit does Outcome Based Budgeting process provide.

Patty Gentrup stated the work was intended to identify community priorities so the Governing Body can use that information when creating the budget. She stated she has been performing this type of work for about fifteen years and the process provides the opportunity for the Governing Body to hear from constituents.

Councilmember Kell asked if the process will move forward after the stakeholders rank the projects followed by review of department heads.

Stephen Wade stated the rankings will take place by an independent team; however, public sessions will allow citizens to get involved and express their priorities which will be compiled by Staff and brought back to the Governing Body for consideration.

Councilmember Dobler asked about the makeup of the 25 individual positions that will be available for appointment.

Stephen Wade stated each Governing Body member will have an opportunity to appoint one person for each of the five sessions along with representation from the Greater Topeka Partnership, Forge, NIAs and City Staff.

Councilmember Duncan referenced the appointment deadline (January 14, 2022) requested by Staff. He noted the presentation would have been helpful prior to asking people to serve on the committee. He asked if the sessions would be held in-person or via the Zoom meeting application, and noted this will be a deciding factor for some individuals on whether they will serve or not.

Stephen Wade acknowledged Councilmember Duncan's frustration in the process. He announced the first session will be held on January 25, 2022, and the last session will hopefully be scheduled by the end of February or the beginning of March 2022. He said the January 25th session will be in-person at this time; however, they will continue to monitor COVID-19 case numbers and conduct sessions via Zoom if needed.

Councilmember Duncan clarified that these five public input sessions would enhance the budget hearing and public comment process, not replace it.

Councilmember Emerson thanked Staff for the presentation. He asked if Governing Body members are required to attend all five sessions he believes people will be reluctant to speak freely. He asked Staff how they plan to address this issue.

Stephen Wade stated they are requesting three council members per session because they believe it will be beneficial to the process due to their expertise, as opposed to having a negative effect on public input.

Councilmember Hiller inquired on the best way to recruit people to the group. She referenced the many funding allocations that cross-over in regards to overall funding needs as

well as the budget goals set by the Governing Body and the strategic plan. She asked how to guide the conversations to keep them broad in nature.

Patty Gentrup stated community members will be interested in various priorities; therefore, they will need to be given parameters to follow resulting in a successful final session that encompasses constructive and organized input from all committee members to present to the Governing Body.

PUBLIC COMMENT was provided by the following individual:

Joe Ledbetter suggested that the City Council update the charter ordinance to allow them to approve all contracts \$50,000 and over and for the City Council to set its own agenda. He requested public comment be allowed on presentations and allow the public to be more involved in City processes.

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

Kelly Bogner, Assistant City Clerk, provided an overview of the January 18, 2022, Governing Body meeting agenda.

Bill Cochran, Interim City Manager, stated the American Rescue Plan Act (ARPA) Funding Special Meeting Workshop will be held on January 15, 2022, at the Cyrus K. Holliday building in the first floor conference room. He announced City Administrative Offices will be closed on January 17, 2022, in observance of the Martin Luther King Holiday.

Councilmember Duncan thanked James Jackson, Public Works Director and Staff for being very responsive. He commented on the many water main breaks due to weather and age and thanked City Staff for their hard work and great response during cold weather.

Councilmember Lesser thanked the Water Department for their hard work in repairing

water main breaks. He requested citizens make sure they install smoke alarms in their homes and referenced the loss of Alexander Cervantes on January 10, 2022. He referenced the active shooter incident that almost occurred in District 9 at Landon Middle School. He commended all of individuals that were responsible for deescalating and preventing the incident from happening.

Councilmember Hiller referenced the seriousness of the COVID-19 pandemic as well as related flu and cold viruses. She encouraged people to continue to wear their face masks and social distance themselves and remain patient as virtual meetings and events continue to be a requirement in order to support overall public health precautions.

Councilmember Valdivia-Alcala extended condolences to the family of Alexander Cervantes. She also extended condolences to the family of Mark Torrez. She thanked Staff and Barry Feaker, Topeka Rescue Mission, for meeting with her regarding the City's unsheltered homeless population. She stated District 2, North Topeka and Oakland neighborhoods continue to bear the brunt of the unsheltered population. She stated District 2 residents have grown tired, frustrated and cynical about this issue and they would like a viable solution to deal with the crisis. She expressed her disappointment with the Kansas Legislature for not passing expanding the Medicaid program in Kansas.

Councilmember Ortiz reported she inquires on each fire that occurs in the city to see if there were operational smoke alarms in the homes. She stated as a Governing Body, they need to do a better job of getting the word out regarding the City offering smoke alarms free of charge.

Councilmember Emerson commended the Water Department and the Fire Department personnel for their hard work. He requested an update from the Metropolitan Topeka Airport Authority (MTAA) in one month.

Councilmember Kell encouraged people to install smoke alarms in their homes and to

check the batteries semi-annually. He commended Landon Middle School teachers for their outstanding assistance in preventing the active shooter situation. He thanked Public Works and Water Department personnel in dealing with the many water main breaks. He commended Topeka Police Officers for their composure and professionalism regarding their interaction with “Auditing America” videos broadcasted on YouTube.

Councilmember Naeger expressed her gratitude to Landon Middle School faculty and students for how they handled the potential active shooter situation. She commended Water Department personnel for their hard work. She announced those interested in receiving a free smoke alarm can apply online at <https://www.topeka.org/tfd/smoke-alarm-program/>.

Councilmember Dobler thanked Public Works Staff for their expedient response to the recent inclement weather event as well as Tony Trower, Street Operations Manager and City Street crews.

Mayor Padilla expressed the importance of acknowledging the work of the Water Department Staff and the effectiveness of the management team. He offered his condolences to the family of Alexander Cervantes. He applauded the students, faculty and local law enforcement in regards to how they prevented an active shooter situation at Landon Middle School.

Councilmember Emerson 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 was seconded by Councilmember Dobler.

Mayor Padilla 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 Padilla 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 Padilla announced no action was taken during the executive session.

NO FURTHER BUSINESS appearing the meeting adjourned at 9:00 p.m.

(SEAL)

Brenda Younger
City Clerk