

## **Governing Body Minutes – March 1, 2022**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, March 1, 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 Hiller, Valdivia-Alcala, Emerson, Kell, Dobler and Duncan -6; and Councilmembers Ortiz, Naeger and Lesser participated remotely -3. 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](mailto:cclerk@topeka.org) by no later than 5:00 p.m. on March 1, 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](mailto:cclerk@topeka.org) on or before March 1, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Hiller offered words of comfort and peace to the citizens of Ukraine and asked for a moment of silent meditation for all those effected by the Ukraine-Russia War.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Kevin Siek to the Topeka Sustainability Advisory Board for a term ending March 1, 2024, was presented. (*Council District No. 6*)

BOARD APPOINTMENT recommending the reappointment of Darcella Goodman to the Shawnee County Community Corrections Advisory Board to fill an expired term expiring March 2, 2024, was presented.

ADVISORY COUNCIL APPOINTMENT of Nicholas Trammell to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending March 1, 2024, was presented. (*Council District No. 9*)

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

PRESENTATION on the Topeka Metro Transit Authority (TMTA) was presented by Rodney Miller, TMTA Board Chairman; and Robert Nugent, TMTA General Manager.

Councilmember Kell requested TMTA review and consider the school routes to ensure children arrive to school on time as well as improve bus pass access for school children. He asked if there are future plans to provide more covered bus stops and if private partnership recruitment efforts are underway to raise money to fund more covered bus stops.

Councilmember Dobler asked if electric buses would eventually replace diesel buses.

Councilmember Ortiz thanked TMTA for making the necessary adjustments to route operations to avoid eliminating certain services.

Councilmember Emerson confirmed TMTA will receive \$10 million in ARPA funds and noted they have allocated the use of \$8 million. He asked if the remaining \$2 million would be utilized to prevent future service cuts.

Councilmember Valdivia-Alcala questioned why TMTA has high employee vacancies/turnover.

Councilmember Hiller inquired on flex zones and the operating costs of small buses vs. large buses as well as how it relates to providing transportation to large companies for employee shift work.

In response, Rodney Miller provided the following information:

- TMTA continues to work in collaboration with Topeka Public Schools to improve the student ridership program. He stated the level of ridership traffic determines the type of bus stops installed.
- At this time the use of electric buses are an experiment; however, the Federal Transit Administration is pushing the technology and are making grant funds available. He noted whatever means of transportation is used all aspects of sustainability such as fiscal, durability and technology have to be considered.
- In reference to future service cuts and/or route adjustments, they have to consider what is best for the residents of Topeka and factor in employee (bus driver) vacancies and retirements. He noted the hourly starting wage for a bus driver is \$15 per hour and they work six days a week.

Robert Nugent, TMTA General Manager, stated flex zones provide curb to curb service based on the location of the ridership and requires 24-hour advance notice which can be an inconvenience for the rider. He reported they are considering implementing micro transit service.

Mayor Padilla thanked TMTA for their efforts in trying to work with local companies to support the “Ride to Work” programs.

CONSENT AGENDA was presented as follows:

MINUTES of the special meeting of January 15, 2022, the special meeting of February 12, 2022, and the regular meeting of February 15, 2022, were presented.

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

RESOLUTION NO. 9293 introduced by the Public Infrastructure Committee comprised of Councilmembers Tony Emerson, Neil Dobler and Mike Lesser recommending approval of unexpected repair projects and budgeting for other unexpected repairs and replacements for the 2022 FIRM program, was presented.

Councilmember Emerson, Public Infrastructure Committee Chair, reported approval would authorize unexpected facility improvements and maintenance program repairs in the estimated

amount of \$256,488. He stated the Committee recommended approval by a vote of 3-0-0 on February 15, 2022, the following improvements:

Holliday Parking Garage Repair

Garage Assessment and Design Estimate: \$39,000

Estimated Repair Cost: \$145,000

*\*This project is still in progress and pending final billing*

TPAC Roof

Emergency Repair Cost: \$13,488

City Hall Condensation

Tank Repair Cost: \$8,000

Ongoing Rental Cost: \$4,000/month (\$16,000 estimated total)

Permanent Replacement Cost: \$35,000 (2021 Estimate)

*\*The above figures are estimates, billing has not been received.*

2022 Unexpected Repairs and Replacements

\$500,000

Councilmember Dobler moved to approve the resolution. 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.

Bill Cochran, Interim City Manager, provided an overview of the four Executive Search Firm RFP respondents received by the City. He noted there were two additional respondents which were determined to be non-responsive to the RFP provisions. He requested the Governing Body discuss the options and Staff will provide a recommendation.

Mayor Padilla asked Governing Body members to provide their preference on those firms being presented. He expressed his disappointment in only receiving a response from one local firm.

Councilmember Lesser expressed concern with the extra travel expenses associated with these types of services and noted he would prefer hiring a local firm.

Councilmember Hiller stated the Governing Body has already granted consensus to hire a

professional firm. She stated she assumes the process would be handled virtually, which would eliminate unnecessary expenses until final candidates are chosen. She expressed the importance to perform reference checks and check key performance factors of each firm.

Councilmember Kell stated he concurs with comments made by Councilmember Hiller as well as support hiring a local firm to save taxpayer dollars.

Councilmember Dobler questioned why the firms that have assisted the City in the past did not reapply, and noted the firm located in Chicago has only recruited one city manager. He referenced the limited information Staff provided to the Governing Body and requested the Governing Body receive complete documentation of each firm including resumes, proposals, cost of services and any other information that would be helpful in making an informed decision.

Bill Cochran stated he believes the firms that have previously worked with the City did not respond to the RFP because of the emphasis being placed on hiring a local firm.

Councilmember Duncan expressed his frustration with the lack of interest by local firms. He stated he would rather start the process over before picking the best of the worst that has applied. He noted they could revise the RFP and reopen the bid for an additional 30 days.

Bill Cochran stated they do have the option to reissue the RFP.

Councilmember Hiller encouraged the Governing Body to look at search firms that have provided services to cities of similar size and review key performance factors of the firm chosen.

Councilmember Lesser stated there is a need to negotiate expenses and ask firms to provide an expectation of those expenses. He spoke in support of hiring local firms and the need for more information to make an informed decision.

Councilmember Dobler stated he has reservations about firms that do not specialize in the recruitment of city managers due to the pool of qualified city managers being small and the

specific networking that is involved. He stated there is a need to move forward with the process and he would support a hybrid approach of hiring a local firm with national networking connections and/or partners to reach the specific pool of qualified city managers.

Councilmember Duncan reminded Governing Body members the language specific to “city manager” experience was removed from the RFP.

Councilmember Kell stated that he believes there is a small pool of local qualified individuals that could serve as city manager.

Mayor Padilla supports seeking and/or coordinating local candidates with a local firm to make sure the recruitment is going in the direction that is desired by the Governing Body. He asked Staff to provide an overview of the proposed hybrid approach.

Councilmember Hiller stated there is a need to make the decision next week and keep the process moving forward, even if discussed in executive session.

Councilmember Emerson stated the current City Manager job description needs to be clarified. He expressed frustration with the firms used in the past and the candidates that have resulted in the searches. He referenced local candidates that are qualified that do not appear to fit the criteria outlined in the job description.

Mayor Padilla asked Staff to provide their recommendation.

Interim City Manager Cochran stated he would recommend, and feels strongly, that the City has qualified Staff members to identify, recruit and produce a list of qualified individuals that are invested in the community, and would hopefully stay longer than the average 4-5 years. He agrees that Staff could work with a local firm to create and expand the search through a hybrid process.

Councilmember Kell spoke in support of the recommendations made by Interim City

Manager Cochran.

Councilmember Valdivia-Alcala stressed the importance of a fair process and the need for Executive Staff to remain separate from the process.

Councilmember Lesser spoke in support of using internal resources with assistance from a local firm to support a hybrid approach and hopefully reducing costs.

Councilmember Duncan asked if Human Resources Director Russell supports the recommendation of the Interim City Manager.

Jacque Russell, Human Resources Director, stated she supports recommendations suggested by Interim City Manager Cochran and noted a hybrid approach will have to be taken with any recruitment process that is used.

Councilmember Dobler stated he believes there has to be a separation by Executive Staff and the recruitment process cannot be handled completely internally.

DISCUSSION in regards to restoring SORT funding that was returned to the debt service fund in 2021, was presented.

Joseph Ledbetter spoke in support of reinstating the remaining funding as listed in the memorandum included in the agenda packet and stated Neighborhood Improvement Associations (NIAs) are a great return on investment for the overall city.

Councilmember Ortiz referenced the July 21, 2020 Oakland NIA meeting where Interim City Manager Cochran announced and recognized there were remaining SORT funds for certain NIAs and highlighted the timeline of events that transpired between Staff, Councilmembers and NIA representatives to date. She expressed the importance of making sure the amounts are correct and that Council District representatives are notified before NIA representatives to avoid this type of miscommunication in the future.

Stephen Wade, Administrative and Financial Services Director, provided the following information:

- The 2014-2016 CIPs authorized \$1.4 million of SORT money to be spent by four NIAs: North Topeka West, Hi-Crest, North Topeka East, and Oakland.
- IRS regulations required some of the projects to be closed in 2020, with money remaining to be spent. They must now close the remaining. Regulations require that money be spent within three years of bond issuance.
- Because the bond was closed out, they legally had to refund the remaining amount to bondholders. This negated the ability of the NIAs to spend all of the allocated money.
- Finance recommends that the Governing Body authorizes \$1,676,368 to be issued as an internal note from the debt service fund. The four NIAs can be made “whole” to the original \$1.4 million for each.
- He referenced the graph included in the agenda packet outlining the remaining amount each NIA has left to spend out of the initial \$1.4 million authorization if the Governing Body issues the requested internal note.
- He referenced and explained the Project Status Report included in the agenda packet.

Councilmember Dobler reminded Governing Body members as they move forward with the discussion that the request would be handled via internal notes or basically a transition of internal funds.

Councilmember Hiller stated in reviewing the project list distributed, it shows funds have been spent in Hi-Crest and Oakland NIAs.

Councilmember Valdivia-Alcala expressed concern with the lack of communication between Staff, Councilmembers and NIA representatives throughout the situation and expressed her disappointment with other Councilmembers involving themselves without notifying herself and Councilmember Ortiz.

Councilmember Kell encouraged Staff to improve communications with NIAs and try to get these issues resolved and projects completed.

Mayor Padilla inquired on the funding still available for NIAs to be used and what is the deadline for the use of funds.



Stephen Wade stated they may be able to extend the funds available due to circumstances surrounding the COVID-19 pandemic.

Councilmember Ortiz reported there are projects that have already been authorized and no new projects can be proposed or authorized. She asked for confirmation that the amounts being presented are the final amounts the NIAs will receive.

Stephen Wade confirmed the amounts listed in the memo are the final amounts available to the NIAs. He stated Staff has the list that was originally approved as part of the SORT program for the NIAs.

Councilmember Lesser asked if there is a list of all of the projects that were initially approved and which projects have been completed.

Stephen Wade reported a Project Status document has been provided in the agenda packet.

Councilmember Duncan stated as Governing Body members they have responsibility to correct the fiscal error and make the funding for NIAs whole. He expressed the importance of making sure Staff improves communications with the NIAs as it relates to spending deadlines.

Stephen Wade stated if the internal bonds are issued it will reset the 3-year spending deadline at a cost of \$5,000.

Councilmember Emerson spoke in support of bonding the total amount of approximately \$1,676,368 resetting the 3-year spending deadline and allowing them to gather input from NIAs.

Councilmember Kell stated he fully supports making the neighborhood funding whole in the amounts listed. He thanked Stephen Wade and Governing Body members for correcting the oversight and supports the idea to reconcile projects to make sure all are complete and not overlooked.

Councilmember Hiller stated she fully supports making neighborhood funding whole; however, it is critical to reconcile projects to make sure projects have been completed.

Councilmember Ortiz spoke to the importance of moving forward with the process and make certain NIAs receive the funding they deserve. She thanked Staff for their assistance in helping resolve the issue

Councilmember Dobler stated he will support the recommendation of Staff to authorize the bonding of approximately \$1.6 million.

PUBLIC COMMENT was submitted via email by Joseph Ledbetter (Attachment A).

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

Brenda Younger, City Clerk, provided an overview of the March 8, 2022 Governing Body meeting agenda.

Bill Cochran, Interim City Manager, announced on March 3, 2022, Mayor Padilla and executive Staff member would be traveling to the City of Kansas City, Missouri to speak with City staff members about diversity, equity and inclusion as it relates to their process of operations.

Councilmembers Valdivia-Alcala, Emerson, and Naeger offered prayers of support for those suffering in the Ukraine-Russia war and across the world.

Councilmember Ortiz reminded citizens to attend the Topeka Dino Day events at various locations throughout the city.

Councilmember Kell congratulated area high school students for qualifying for 4A and 5A State Bowling.

Councilmember Naeger announced March as Women's History Month. She encouraged employers to attend the Spring Women's Forum hosted by Greater Topeka Partnership on March

16, 2022 at The Beacon at 420 SW 9<sup>th</sup> Street and to register online at [www.gotopeka.com/womens-forum](http://www.gotopeka.com/womens-forum).

Councilmember Duncan announced he attended the Positive Connections chili fundraiser and thanked the organization for the great support they offer the community. He stated the Policy and Finance Committee will discuss the ARPA application funding timeline and hopefully will present an action item for the Governing Body to consider in April 2022. He announced on March 23, 2022 from 6:00 p.m. – 9:00 p.m. at the Cyrus K. Holliday Building, First Floor Conference Room, a Public Input Session on ARPA funding would be held. He announced he would begin hosting Open Hours again at Fairlawn Plaza on March 5, 2022 from 9:00 a.m. to 11:00 a.m.

Councilmember Lesser referenced the link to a study for long-haul COVID-19 symptoms on the WIBW's website and encouraged those experiencing symptoms to sign up. He commented on the Positive Connections fundraiser and the great things the organization is doing in the community.

Mayor Padilla commended Gretchen Spiker, Director of Communications, for her idea to express community support of Ukraine at the Downtown Everygy Plaza.

Councilmember Dobler moved to recess into executive session for a period of 60 minutes to discuss candidates for the Fire Chief position and other personnel matters related to other 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 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 Kell.

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 60-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 9:55 p.m.

(SEAL)

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Brenda Younger  
City Clerk

# Attachment A

**Brenda Younger**

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**From:** Joe Ledbetter <joe\_ledbetter@yahoo.com>  
**Sent:** Tuesday, March 1, 2022 6:55 PM  
**To:** City Council; City Clerk; Neil Dobler; Michael Lesser; Tony Emerson  
**Subject:** Management Firms and Manager

We have tried this process before and I am not pleased with the result we dealt with for past four years. I think you need more information. Our last one did not understand this city at all In My opinion.

Sent from my iPhone

**Brenda Younger**

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**From:** Joe Ledbetter <joe\_ledbetter@yahoo.com>  
**Sent:** Tuesday, March 1, 2022 6:48 PM  
**To:** City Council; City Clerk; Tony Emerson; Neil Dobler; Michael Lesser; Spencer Duncan; Bill Cochran; Michael Padilla; Sylvia Ortiz  
**Subject:** Public Comments Joseph Ledbetter

It has been brought to my attention that we have several past city employees working for firms that recently started bidding on consulting contracts with our utilities department and perhaps others. The concern is having an inside track on the work and with persons they may have worked with. My thoughts are we should bar for three years anyone/ employee that made a minimum of \$80,000 because that would indicate that person worked in management.

I would be happy to work on some language but I think we need to discuss this. Thank you.

Joseph Ledbetter JD , MPA

Sent from my iPhone