

Governing Body Minutes – March 8, 2022

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, March 8, 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 Lesser -6; and Councilmembers Ortiz, Naeger and Duncan 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 by no later than 5:00 p.m. on March 8, 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 March 8, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Pastor Jeff Klinger, First United Methodist Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

A PRESENTATION on the 2021 Topeka Human Relations Commission Annual Report was presented by Commissioner Nicholas Smith, Topeka Human Relations Commission Chairman.

CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20345 introduced by Interim City Manager William E. Cochran, allowing and approving City expenditures for the period January 1, 2022 through January 28, 2022, and enumerating said expenditures therein, was presented.

APPROVAL of a Utilities contract amendment for Professional Engineering Services between the City of Topeka and Bartlett and West to aid the City in performing certain additional services within the limits of the future KDOT Polk-Quincy Viaduct for combined sanitary and storm sewer relocation and replacement recommendations under additional phase 2 tasks 1, 2, 4, 5, 6 and 7, was presented. (*Contract No. 50188*)

APPROVAL of a Utilities contract amendment for Professional Engineering Services between the City of Topeka and Bartlett and West to aid the City in performing certain additional services within the limits of the future KDOT Polk-Quincy Viaduct Project T-701048.01 tasks 2 through 7, was presented. (*Contract No. 50189*)

APPROVAL of a Utilities contract for Professional Engineering Services between the City of Topeka and Wood Environment and Infrastructure Solutions, Inc. to aid the City with engineering services related to program management for Topeka levee systems, was presented. (*Contract No. 50190*)

APPROVAL of a Utilities contract for Professional Engineering Services between the City of Topeka and Bartlett and West to aid the City in addressing water engineering services related to treatment, distribution, and modeling, was presented. (*Contract No. 50191*)

MINUTES of the regular meeting of March 1, 2022, was presented.

Councilmember Ortiz requested to remove Item 4B, a Professional Services Contract between the City of Topeka and SBB Engineering Services from the consent agenda for separate consideration.

Upon hearing no objections, Mayor Padilla announced the contract would be removed from the consent agenda and placed on the agenda as Action Item 5B.

Councilmember Kell moved to approve the remainder of the consent agenda. The motion

seconded by Councilmember Emerson carried unanimously on roll call vote. Councilmember Dobler abstained. (9-0-1)

RESOLUTION NO. 9294 introduced by City Manager William E. Cochran, authorizing the offering for sale of Taxable General Obligation Bonds, Series 2022-A, of the City of Topeka, Kansas, was presented.

Bill Cochran, Interim City Manager, reported the resolution was discussed at the March 1, 2022, Governing Body meeting and the resolution language has been revised to limit spending to the original SORT projects and not just street projects.

Councilmember Ortiz moved to approve the resolution. The motion was seconded by Councilmember Valdivia-Alcala.

Councilmember Ortiz thanked Staff for rectifying the error.

Councilmember Kell spoke in support of reinstating funds to the NIAs.

Councilmember Valdivia-Alcala stated she concurs with Councilmember Ortiz and asked the Governing Body for their support in approving the resolution.

The motion to approve the resolution carried unanimously on roll call vote. (10-0-0)

APPROVAL of a Public Works contract for Professional Engineering Services between the City of Topeka and SBB Engineering to aid the City with Survey and engineering services for street and maintenance improvements in the East Topeka North Neighborhood, was presented.
(*Contract No. 50192*)

Councilmember Ortiz questioned what the contract was authorizing. She stated she informed residents that the project was completed in December 2021.

Braxton Copley, Utilities Department Director, reported existing Topeka Municipal Code language requires that the City interview for consulting services; therefore, approval would allow

for the design services for bidding and construction of the project.

Councilmember Ortiz moved to approve the contract for Professional Engineering Services. The motion seconded by Councilmember Lesser carried unanimously on roll call vote. (10-0-0)

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

Bill Cochran, Interim City Manager, reported a summary of Request For Proposal (RFP) respondents was presented to the Governing Body at the March 1, 2022, Governing Body meeting for review and consideration. He stated at that same meeting, the Governing Body requested additional information on the overall process and each of the respondents with the intent to continue discussion on the recruitment process. He stated Staff recommends they work with a local firm overseeing recruitment and interviews.

Councilmember Emerson stated it was his understanding the fee for services would be negotiable.

Interim City Manager Cochran reported Staff intends to engage in fee negotiations and come to an agreement that would be acceptable for both parties.

Councilmember Lesser stated as a result of the March 1, 2022, Governing Body meeting discussion, he spoke to Paul Bossert, Kansas Personnel Services a local firm, and they are willing to negotiate a lower fee that would be acceptable to both parties.

Councilmember Hiller stated that she has reviewed all RFPs and there are a variety of aggressive proposals and professional publications each firm plans to use. She asked Staff to describe their ideas for outreach and marketing efforts.

Interim City Manager Cochran stated they would negotiate advertisement services with the firm when hired.

Jacque Russell, Human Resources Director, reported Staff plans to work with the firm to

make sure all marketing materials have the Topeka brand as well as Staff has been working to develop a spotlight video on what the community has to offer and include highlights of what Governing Body members are looking for in a city manager. She stated a professional brochure will be created to highlight the community, the City as an organization, and the benefits of being a city manager for the City of Topeka. She noted they would also use traditional resources for city manager recruitment along with other ideas of the firm hired.

Councilmember Lesser requested to create a candidate screening committee that would include two or three high-level executive professionals from the private sector.

Councilmember Naeger expressed the importance of making sure the community as a whole has fair representation.

Councilmember Dobler stated he concurs with Councilmember Naeger and would suggest each Governing Body member appoint one person to the screening committee.

Councilmember Hiller expressed concern with appointing representatives from the private section and stated she believes a city manager is very different from a private sector chief executive officer as it relates to the level of community engagement, the ability to balance the politic realm and how to manage City operations.

Mayor Padilla asked Governing Body members to consider the background of each appointee as there is merit in making sure all areas of diversity are represented to help ensure they find individuals that are invested in the Topeka community.

Councilmember Kell suggested Mayor Padilla serve on the screening committee if his schedules allows.

Councilmember Hiller reported that Ralph Anderson & Associates as well as GovHR search firms also have local ties to the community.

Councilmember Lesser stated he understand comments related to the need for diversity; however, he believes the City of Topeka is an organization that is similar to a high level private sector corporation, which is why he made the suggestion. He spoke in opposition of appointing a large screening committee because he believes it will make the process more difficult than need be.

Mayor Padilla suggested each Governing Body member submit a name and then as a Body they can appoint a manageable number.

Councilmember Lesser stated he would only support appointing no more than three people to the screening committee.

Councilmember Kell stated he concurs with Councilmember Naeger in regards to making sure the screening committee is diverse and includes young professionals. He noted he would support having all nine City Council members appoint one person to the screening committee.

Councilmember Valdivia-Alcala stated she would support having a representative for each Governing Body member on the screening committee along with public input sessions.

Councilmember Emerson cautioned against causing delays in the process and questioned at what point in the process they should implement a screening committee.

Councilmember Lesser stated he would rely on the Human Resources Director and the firm hired to determine at what juncture the screening committee would be created.

Councilmember Dobler stated he agrees if they involve the screening committee too early in the process it will cause delays.

Councilmember Hiller asked Governing Body members to consider conducting public input sessions as well as distribute the job description for feedback to avoid narrow parameters that may eliminate qualified individuals.

Councilmember Duncan stated the first step in the process is to determine the approach and if they want to hire a firm to assist with the recruitment. He noted the other details of the process should be considered at a later time.

Interim City Manager Cochran asked the Governing Body for a specific directive related to how to move forward with the city manager recruitment process and noted the details can be further discussed at a later date.

Councilmember Lesser asked the City Attorney how the Governing Body should proceed to instruct Interim City Manager Cochran to move forward with negotiations with a search firm.

City Attorney Stanley reported according to the Governing Body Rules and Procedures, the Governing Body could make a motion to waive the Rules and direct the Interim City Manager to enter into negotiations and bring back a contract to the Governing Body for approval.

Councilmember Lesser moved to suspend Governing Body Rules and Procedure 5.2(a) for the purpose of providing directive to the Interim City Manager. The motion seconded by Councilmember Kell carried on roll call vote. Councilmember Ortiz voted “no.” (9-1-0)

Councilmember Lesser moved to direct Interim City Manager Cochran to negotiate a contract with Kansas Personnel Services (Paul Bossert), an executive recruitment firm, to assist with the search for a city manager to be approved by the Governing Body. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (10-0-0)

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

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

Brenda Younger, City Clerk, provided an overview of the March 15, 2022, Governing

Body meeting agenda; and the March 29, 2022, Special Meeting CIP Workshop agenda.

Bill Cochran, Interim City Manager, announced the demolition of the White Lakes Mall located at 3600 SW Topeka Boulevard has begun.

Councilmember Hiller announced St. Patrick's Day festivities and events would take place March 12 and 13, 2022. She offered her condolences to the Jacqueline C. Bugg Family. She cautioned the Governing Body against moving discussion items to action items without due process and discussion.

Councilmember Valdivia-Alcala offered her condolences to the Terrell Gibbons Family. She acknowledged Women's History Month and gave thanks to the women and elders of Our Lady of Guadalupe Catholic Church. She expressed her gratitude to the generations of women who have worked, and continue to work as farmers to help feed this nation and others.

Councilmember Ortiz offered her gratitude to women of history and expressed her pride in being a citizen that was born and raised in east Topeka.

Councilmember Kell announced March 10, 2022 as International Day of Happiness. He expressed his excitement for the demolition of White Lakes Mall. He announced the Topeka Tropics, a new professional indoor football team will have their first away game on March 12, 2022, against the Sioux City Bandits.

Councilmember Naeger announced March 8, 2022, was International Women's Day. She also announced the Kansas Children's Discovery Center would host Titanosaur Day on March 12, 2022 from 10:00 a.m. to 4:00 p.m.

Councilmember Dobler offered his condolences to the Jacqueline C. Bugg Family. He announced on March 12, 2022, the Blind Tiger would host the Blarney Breakfast a fundraiser benefitting the Capper Foundation. He commented on the recent rate hikes in property taxes by

Shawnee County and encouraged Governing Body members to work to find a way to lower taxes in the city.

Councilmember Duncan expressed his gratitude to the women in his life as it relates to honoring Women's History Month. He thanked those that participated in his open house event on March 5, 2022 and the input provided on how to spend ARPA funding. He announced the Central Topeka Grocery Oasis (CTGO) was awarded two grants totaling \$105,000 to help achieve its goal of a new, full-service grocery store in Central Topeka.

Councilmember Lesser commended Gretchen Spiker, Communications Division Director, for the information she released on property tax increases by Shawnee County and noted it was very informative. He reported suicides are happening at a staggering rate and commented on the lack of mental health resources available in Topeka. He stated his main focus for ARPA social service funding allocations will be to assist with mental health resources in the Topeka community.

Mayor Padilla thanked Interim City Manager Cochran and former City Manager Brent Trout for making the demolition of White Lakes Mall a priority along with other Governing Body members. He stated he hopes targeted efforts continue for positive results across the city. He expressed the importance of the significance of women of history as it relates to the lack of effort across the United States to find indigenous and women of color that have gone missing with no explanation or investigation. He reported that is not the case in Topeka, and thanked the Topeka Police Department and all others who work to keep women safe in the Topeka-Shawnee County area.

Councilmember Emerson moved to recess into executive session for a period of 30 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 on voice vote.

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

Following a 30-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 8:10 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

March 8, 2022

City Manager, Mayor and City Council Members:

After watching last week's City Council Meeting, I noticed that the letter I had sent you last month must not of been paid attention to. The letter I'm talking about is the one where I thought that one of our own local people should fill the seat for City Manager.

As much money Topeka puts out to people, to tell us how to do our owns jobs is laughable. We should be looking in our own back yard for our next City Manager. And the Committee that should be doing this, instead of paying some outside group, that does not know our city, is right in front of you. You have people that have worked in Topeka for years that are qualified to form a committee to choose our next City Manager. They are already on the Cities payroll. So why would we have to go to a group of people, that have not one idea about Topeka and ask strangers to pick our next City Manager.

Form a group of people that we don't have to pay, that lives and knows Topeka already, and have them pick our City Manager. How hard is that!

So now, I just saved the city thousands of dollars. Let's go to the other things I mentioned in my last letter to you. We have a person that comes almost to every single City Council meeting. And has been doing this for years. He has saved our city millions of dollars over the years. He is still trying to save the city money. He does this because he cares very much for Topeka. I know some of you think he's a pain in your derriere. But he means well. He loves this city, or he wouldn't do the hard work he does. Think of all the time and research that he does. The cost of having all the research printed out, is not cheap.

This person's name is Joseph Ledbetter. Do you know of anyone else, that has saved millions of dollars for the city, that does not work for the city, or gets paid to tell the city what needs to be done to save money or to help fix what is wrong with what we are fixing? Think about it!

Sincerely,

Teresa Miller

March 8, 2022

City Manager, Mayor and City Council Members:

The subject is the Old SORT grant funds. I'm all for returning the funds back to Hi-Crest, Oakland, North Topeka East and North Topeka West. By doing so, please return the funds back to the area in each NIA that the grant money was original attended for. In the SORT Applications, for each NIA, the money was to cover a designated area picked by the members of that NIA. Then if the money is not all spent in that area, then open the funds up to other parts of that NIA. This is the only honest way to spend the funds.

I would like to thank Mr. Stephen Wade for finding the funds that these NIAs had been asking someone to find for years. My NIA was one of them. I was always told we spent the funds. But I knew that was not true. So once again thank you for your find. It will mean so much to all four NIAs.

If the city needs help finding the information on where the funds were to be spent in each NIA, find out who the President was at the time of each NIA. They should still have the SORT records in their NIA files.

If I can be of any help let me know.

Sincerely,

Teresa Miller

Brenda Younger

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, March 8, 2022 3:51 PM
To: City Clerk; City Council; Neil Dobler; Tony Emerson; Sylvia Ortiz; Michael Lesser; Christina Valdivia-Alcala
Cc: Bill Cochran; Stephen M. Wade
Subject: Item 5 A. I encourage passage of this action item which includes 4 NIA's inc HiCrest. My comments For the Record

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I support the amount of \$1,676,366, which includes \$610,000 for HiCrest NIA. I was requesting information in 2017, 2018, as President of HiCrest NIA about what had been spent(I had lobbied for HiCrest NIA SORT program originally in 2014).I was ignored by Interim manager Gerber and also Sasha. I could not get answers from any other employee in the City Government. I believe the current interim manager Cochran and Mr. Wade have done a reasonable job of fixing a problem, not of their making.
Joseph Ledbetter, JD, MPA

Kelly L. Bogner

From: Brenda Younger
Sent: Tuesday, March 8, 2022 4:03 PM
To: Joseph Ledbetter; City Clerk; City Council; Neil Dobler; Tony Emerson; Sylvia Ortiz; Michael Lesser; Christina Valdivia-Alcala
Cc: Bill Cochran; Stephen M. Wade
Subject: RE: Item 5 A. I encourage passage of this action item which includes 4 NIA's inc HiCrest. My comments For the Record

Received – thanks.

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, March 8, 2022 3:51 PM
To: City Clerk <cclerk@Topeka.org>; City Council <Council@Topeka.org>; Neil Dobler <neil.dobler@bartwest.com>; Tony Emerson <temerson@topeka.org>; Sylvia Ortiz <sortiz@Topeka.org>; Michael Lesser <mlesser@topeka.org>; Christina Valdivia-Alcala <cvalcaladist2@gmail.com>
Cc: Bill Cochran <wcochran@Topeka.org>; Stephen M. Wade <swade@topeka.org>
Subject: Item 5 A. I encourage passage of this action item which includes 4 NIA's inc HiCrest. My comments For the Record



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I support the amount of \$1,676,366, which includes \$610,000 for HiCrest NIA. I was requesting information in 2017, 2018, as President of HiCrest NIA about what had been spent(I had lobbied for HiCrest NIA SORT program originally in 2014).I was ignored by Interim manager Gerber and also Sasha. I could not get answers from any other employee in the City Government. I believe the current interim manager Cochran and Mr. Wade have done a reasonable job of fixing a problem, not of their making.
Joseph Ledbetter, JD, MPA

Kelly L. Bogner

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, March 8, 2022 4:42 PM
To: City Clerk; City Council; Neil Dobler; Michael Lesser; Tony Emerson; Michael Padilla; Mike Padilla; Sylvia Ortiz
Cc: Bill Cochran
Subject: 6 A. Discussion City Manager Recruitment Process. My Comments on this item.

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Not sure I can make tonight's meeting.

I am Not interested in any national search firm for Topeka City Manager.

My opinion is that this process failed us in the past 4 + years. We are so many more tens of millions in debt of revenue bonds, and still have not fixed our waterlines(the worst break record in the Country of 300 cities). We did not fix the Code Enforcement problem or population loss problem, among other problems that were not fixed in the past 4 plus years.

So, I might support a local firm assigned to find someone who is a citizen here ,from Topeka that is invested here,and has family here. Someone that has great problem solving and analytical abilities and leadership qualities. Someone with good education combined with real world wisdom, and provable experience of solving problems. It would help if they know how to lobby, build consensus and negotiate. This is a Capital City! Someone who knows this city and its people and actually cares about the citizens here. You can use staff. Perhaps call in some citizens to advise staff who are known to want this city to grow and prosper by their volunteer work. Thinking out loud. Also, I am not in a hurry on this process. If it takes until September, fine. I want a General Grant,someone that does not quit until the problem is solved and the victory is won! Someone with passion! Someone innovative, that wants growth in our city! Not some mediocre 'leader', that is dull to wisdom , unteachable,won't listen to citizens ,or the Council, and has no creativity or imagination.

Of course, if we don't find a Topekan then I would say it is time to go back to the Strong Mayor form of government and let the city at large pick our own leader. Maybe have two year terms, so we can change them quickly, if they don't listen to us. I am now okay with that form ,after watching the last four plus years.

Regards:

Joseph Ledbetter, JD,MPA