

Governing Body Minutes – April 5, 2022

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, April 5, 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, Kell Dobler and -3; and Councilmembers Ortiz, Emerson, Naeger and Lesser participated remotely -4. Deputy Mayor Duncan presided -1. Absent: Mayor Padilla and Councilmember Valdivia-Alcala -2.

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 April 5, 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 April 5, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Pastor Carl Frazier, New Hope Love & Community Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

A PRESENTATION on the Topeka Sustainability Advisory Board 2021 Annual Report was presented by Michaela Saunders, Advisory Board Co-Chair.

Deputy Mayor Duncan referenced the need for a full-time Sustainability Advisory Board Coordinator. He requested the Committee provide a base line for goals that can be tracked moving forward.

Councilmember Naeger spoke in support of having a full-time employee of the City to work with the Sustainability Advisory Board to move initiatives forward. She asked what items

the Board has been working on.

Councilmember Hiller thanked the Board for the presentation and being a wonderful ambassador for the City. She asked if the Board is familiar with the City's Energy Conservation Code and the Vermont Energy Study.

Michaela Saunders provided a brief summary of the projects and initiatives the Board has been working on and spoke to the importance of having a point person, and noted it has been vital for the City of Des Moines, Iowa, in implementing a Climate Action Plan as well as the City of Lawrence, Kansas. She stated as a volunteer board they are hesitant in making final decisions without directive from the Governing Body and encouraged the City to work towards developing a starting point.

CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20346 introduced by Interim City Manager William E. Cochran, allowing and approving City expenditures for the period January 29, 2022 to February 25, 2022, and enumerating said expenditures therein, was presented.

RESOLUTION NO. 9296 introduced by Councilmember Karen Hiller, approving a special event known as 99.3 The Eagle Cruise Night 2022, was presented. *(Council District No. 1)*

RESOLUTION NO. 9297 introduced by Councilmember Karen Hiller, granting Cumulus Broadcasting an exception to the provisions of City of Topeka Code Section 9.45.170 concerning noise prohibitions, was presented. *(Council District No. 1)*

APPROVAL of CONTRACT NO. 50268 for Professional Engineering and Design Services between the City of Topeka and SBB Engineering, LLC to prepare preliminary design and estimates for Sherwood Park Subdivision No 9 Phase 1, was presented.

MINUTES of the regular meeting of March 15, 2022, and the special meeting of March 29,

2022, were presented.

Councilmember Dobler moved to approve the consent agenda. The motion seconded by Councilmember Kell carried unanimously on roll call vote. (8-0-0)

AN ORDINANCE introduced by Councilmember Christina Valdivia-Alcala establishing a business improvement district to be known as the NOTO Business Improvement District and creating a new Chapter 3.70 of the Topeka Municipal Code addressing services, financing and establishment of a district advisory board in accordance with K.S.A. 12-1782 et seq., was presented.

Bill Cochran, Interim City Manager, reported Councilmember Valdivia-Alcala was not able to attend the meeting and has requested the ordinance be considered at the April 12, 2022, Governing Body meeting.

Upon hearing no objections, Deputy Mayor Duncan announced the item would be removed from agenda and placed on the April 12, 2022, Governing Body agenda.

APPROVAL of CONTRACT NO. 50267 an agreement between the City of Topeka and Kansas Personnel Services, Inc. DBA Key Staffing, in an amount not to exceed \$25,000 to provide professional consulting services and conduct executive recruitment of the position of city manager, was presented.

Jacque Russell, Human Resources Director, reported approval would authorize Staff to work with Kansas Professional Services Inc. DBA Key Staffing, to assist with the recruitment and hiring of a city manager. She provided a high-level overview of the agreement and noted Staff intends to discuss the recruitment process in detail at the April 12, 2022, Governing Body meeting.

Councilmember Kell asked if the City would be monitoring the costs associated with the process.

Councilmember Emerson expressed his appreciation to Staff for working with a local firm with a good reputation.

Human Resources Director Russell reported Staff monitors costs and practices efficiencies where they can as part of the City's standard recruitment process.

Councilmember Emerson moved to approve the agreement. The motion was seconded by Councilmember Dobler.

Councilmember Hiller questioned at what point in the process they would discuss the public input process.

Human Resources Director Russell stated upon approval of the agreement, the details of the recruitment process which includes public input sessions would be discussed on April 12, 2022.

Bill Cochran, Interim City Manager, stated Staff will discuss details and obtain approval of the overall process by the Governing Body before moving forward with recruitment.

The motion to approve the agreement carried unanimously on roll call vote. (8-0-0)

DISCUSSION concerning bicycles, scooters, roller skates and skateboards in the NOTO Arts and Entertainment District, was presented.

Deputy Mayor Duncan stated if there were no objections, he would suggest moving forward with discussion at this time as well as on April 12, 2022, when Councilmember Valdivia-Alcala would be present.

Bill Cochran, Interim City Manager, stated the proposed ordinance mirrors the regulations enforced in the Downtown area.

Amanda Stanley, City Attorney, reported the current ordinance prohibits wheeled devices from operating on the sidewalks and pocket parks along Kansas Avenue between SW 6th and SW

10th Streets, and the proposed ordinance would amend City Code to add certain sidewalks in NOTO as well as Rosebud and Breezeway Parks. She referenced line 23 of the ordinance outlining the proposed locations where bicycles would be prohibited in NOTO.

Councilmember Hiller cautioned against the implementation of the ordinance prior to NOTO representatives consulting with the Complete Streets Advisory Board as it relates to placement of signage.

Councilmember Kell expressed concern with more limitations in regards to where people can ride bicycles and the negative effect it could have on alternative transportation. He also expressed concern with approving regulations that provide for special accommodations to businesses that have limited hours of operation.

Interim City Manager Cochran stated the NOTO Board desires to mirror the same regulations that are administered in the Downtown area to promote the safety of customers and citizens.

City Attorney Stanley noted the Complete Streets Advisory Council as well as the City of Topeka Planning Department provided input along with the NOTO Board.

Councilmember Lesser spoke in support of the ordinance and noted it focuses on the safety of the citizens, not special accommodations for NOTO businesses.

Deputy Mayor Duncan confirmed the ordinance only bans specific wheeled vehicles on the sidewalks not the streets of NOTO.

Councilmember Kell expressed concern with the safety of skateboarders and bicyclists due to the narrow streets of NOTO and noted Downtown streets are much wider.

Councilmember Lesser asked City Attorney Stanley to explain the Kansas Tort Claim Act as it relates to the City's liability to be sued if the ordinance is approved.

City Attorney Stanley explained legislative immunity as it relates to the Kansas Tort Claims Act.

Interim City Manager Cochran stated the ordinance would be considered for action by the Governing Body on April 19, 2022.

DISCUSSION of the proposed 2023-2032 Capital Improvement Plan and 2023-2025 Capital Improvement Budget, was presented.

Joseph Ledbetter referenced the \$10.2 million earmarked for Municipal Building and Topeka Performing Arts Center (TPAC) HVAC project and expressed the importance of making sure the much needed improvements for TPAC are funded. He referenced the slow rate of water line replacements as it relates to increased utility rate fees and commented on the storm water detention area in Gage Park.

Stephen Wade, Administrative and Financial Services Director, referenced CIP Supplement No. 1 distributed to the Governing on April 4, 2022, and stated Staff was present for questions.

Deputy Mayor Duncan inquired on the funding that was initially earmarked for the two Downtown Fix Our Street Sales Tax projects (4th/5th Street (Kansas to Topeka) Two-way Conversion and Jackson/Harrison Street Two-way Conversion). He asked why the S. Topeka Boulevard project from SW 29th to 37th Streets was moved back in the CIP schedule.

Councilmember Dobler asked when the Governing Body would receive the information they requested regarding the renovations to City Hall.

Administrative and Financial Services Director Wade reported the sales tax funds earmarked for the two Downtown Fix Our Street Sales Tax projects was still available and the projects were removed from the schedule because there were questions on project estimates. He also reported Staff would provide detailed information on the City Hall renovations over the next

two weeks.

Interim City Manager Cochran noted as a reminder that the City will receive American Rescue Plan Act (ARPA) funding to pay cash for some of the projects.

Councilmember Emerson referenced the Pavement Management Rehabilitation & Reconstruction Program 2023 and asked if mill and overlay street projects are planned. He noted at some point, the Governing Body must trust Staff to make good decisions so they are not holding up progress for street improvements.

Braxton Copley, Utilities Director, reported the S. Topeka Boulevard Project from SW 29th to 37th Streets was moved because the area recorded a higher Pavement Condition Index (PCI) than expected; therefore, the area of S. Topeka Boulevard from SW 21st to 29th Streets has been moved forward in the CIP because of the poor PCI and chronic water line breaks in that area. He confirmed the 2023 Pavement Management Rehabilitation & Reconstruction Program includes micro-surfacing as well as mill and overlay street projects.

Councilmember Kell expressed his appreciation to Staff as it relates to the coordination of utility improvement projects with street improvement projects.

Councilmember Dobler requested Staff provide a micro-surfacing data report to the Governing Body in the fall of 2022 to determine if the practice is performing as expected.

Interim City Manager Cochran stated he has the micro-surfacing information being requested and would distribute it to the Governing Body.

PUBLIC COMMENT was submitted via email by Joseph Ledbetter (Attachment A) and the following individuals provided public comment:

Leslie Fleuranges stated she is seeking details related to the 17th Street – Keepin’ it Local Project and noted she has had trouble obtaining detailed information from former City Staff

members. She asked the City to be mindful of where the project begins as the small businesses in the area have already been negatively impacted by the COVID-19 pandemic; and area businesses oppose the idea of reverse parking as they believe it is not necessary.

Deputy Mayor Duncan asked Interim City Manager Cochran to provide a 17th Street project status report to the Governing Body.

David Jackson asked the City to stop the demolition of the building located at 911 N. Kansas Avenue. He reported many NOTO business owners support the open-market concept he has proposed and noted it works in many other communities.

Joseph Ledbetter expressed the importance of the Governing Body being involved in CIP projects as it improves fiscal oversight. He suggested the City return to implementing the Design-Build concept on smaller waterline projects.

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

Brenda Younger, City Clerk, provided an overview of the April 12, 2022, Governing Body meeting agenda.

Bill Cochran, Interim City Manager, encouraged staff to enroll in the 2022 Stand Against Racism Challenge hosted by the YWCA Northeast Kansas. He stated April is Child Abuse Awareness Month and commented on how these events impact a community.

Councilmember Emerson thanked the Mars Wrigley Company for their continued investment in the Topeka community and referenced the \$175 million they have invested to expand their plant resulting in 100 new jobs.

Councilmember Kell announced April 6th is International Sport Day for Development and Peace and spoke to the positive impact sporting activities have on the community.

Councilmember Naeger referenced April as National Child Abuse Prevention Month and the excellent child advocacy agencies of LifeHouse Child Advocacy Center and Kansas Children's Services League presented with Mayoral Proclamations. She reported those individuals wanting to make donations to the agencies can do so online at <https://www.lifehousecac.com/> and <https://www.kcsl.org/>. She encouraged citizens to report child abuse by calling 1-800-843-5678 or reporting it online at <https://www.missingkids.org/gethelpnow/cybertipline>.

Councilmember Hiller announced she would be assisting with Ukraine refugees arriving in Topeka in approximately one week and thanked Pastor Carl Frazier and many other community volunteers for their assistance in helping the refugees.

Deputy Mayor Duncan thanked the Mars Wrigley Company for expanding their business and their continued commitment to the Topeka-Shawnee County area. He congratulated Amanda Stanley, City Attorney, for completing the 2022 Inaugural Kansas Bar Association Leadership Institute Academy.

Councilmember Dobler moved to recess into executive session for a period of 25 minutes to discuss employer/employee negotiations relating to WPC, Water, AFT, Development Services and other Unions as may be necessary for the discussion as authorized by KSA 75-4319(b)(3). To aid in the discussion, the following individuals were present: Members of the Governing Body; Interim City Manager, William Cochran; and other staff he deems necessary. No action was anticipated when the meeting resumed open session in the City Council Chambers. The motion was seconded by Councilmember Kell.

Deputy Mayor Duncan 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, Deputy Mayor Duncan announced the motion carried

unanimously on voice vote. (8-0-0)

Following a 25-minute time period, the meeting reconvened into open session and Deputy Mayor Duncan announced no action was taken during the executive session.

Councilmember Dobler moved to recess into executive session for a period of 30 minutes to discuss matters related to several individual 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 and any other staff he deems necessary. No action was anticipated when the meeting resumed open session in the City Council Chambers. The motion was seconded by Councilmember Kell.

Deputy Mayor Duncan 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, Deputy Mayor Duncan announced the motion carried unanimously on voice vote. (8-0-0)

Following a 30-minute time period, the meeting reconvened into open session and Deputy Mayor Duncan 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

Attachment A

Brenda Younger

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, April 5, 2022 7:26 PM
To: City Clerk; City Council; Neil Dobler; Michael Lesser; Tony Emerson; Bill Cochran; Stephen M. Wade; Michael Padilla; Brett Kell; Sylvia Ortiz
Cc: Brett Kell
Subject: Ref Discussion CIP, for the record.

The pace of waterline replacement is not keeping up even close to six mile replacement projection in return for much higher water rates. I am also concerned that the Council review and have specific oversight of storm water projects. I am appalled by what was done for \$1.3 millions with the Gage Park crater. By the way it was Not bid. Interesting. And also I want no storm water consulting contracts in CIP. I want a lot of answers on the HVAC for City Hall before we spend \$10 million. I can think of greater needs for some or all of that money. I was told by past County Public Works Directors that micro surfacing is good maintenance procedures. Thank you : Joseph Ledbetter. JD, MPA

Sent from my iPhone