

Governing Body Minutes – April 12, 2022

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, April 12, 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, Emerson, Kell, Dobler and Duncan -5; and Councilmembers Valdivia-Alcala, Ortiz, and Naeger participated remotely -4. Mayor Padilla presided -1. Absent: Councilmember Lesser -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 April 12, 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 12, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Valdivia-Alcala asked for a moment of silent meditation followed by a reading from David Abram, Cultural Ecologist and Philosopher.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

A PRESENTATION on the 2021 Financial Services 4th Quarter Report was presented by Stephen Wade, Administrative and Financial Services Director and Rachelle Matthews, Deputy Administrative and Financial Services Director.

Councilmember Dobler inquired on the anticipated ending reserve fund balance for 2023.

Councilmember Valdivia-Alcala thanked Staff for their efforts to increase vendor diversity outreach.

Councilmember Duncan inquired on the debt balance variant in the amount of \$51,332,058 listed under “Expenses” on page 2 of the City of Topeka 2021 4th Quarter Report. He requested the Governing Body have a detailed discussion on the City’s reserve fund balance, set a threshold, and if necessary, have the City’s Bond Counsel provide a presentation on bonded financials.

Financial Services Director Wade reported Staff expects the reserve balance to be approximately \$25.9 million in 2023 compared \$22.7 million in 2022; the variant in debt amount is due to the refunding of State Revolving Fund (SRF) Loans; and the City’s debt service policy for reserve funds is 15%.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9296 introduced by Councilmember Christina Valdivia-Alcala granting Joe Weir an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. *(Council District No. 2)*

MINUTES of the regular meeting of April 5, 2022, was presented.

Councilmember Dobler moved to approve the consent agenda. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. (9-0-0)

RESOLUTION NO. 9297 introduced by Interim City Manager William E. Cochran, authorizing and directing the issuance, sale and delivery of Taxable General Obligation Temporary Notes, Series 2022-A of the City of Topeka, Kansas, in the amount of \$1,680,000, providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for

the payment and security thereof; and authorizing certain other documents and actions connected therewith, was presented.

Stephen Wade, Administrative and Financial Services Director, reported the proceeds of which will provide financing for North Topeka West, Hi-Crest, Oakland, and North Topeka East NIA projects approved in previous capital improvement plans.

Joseph Ledbetter appeared on behalf of the NIAs receiving the funding and spoke in support of issuing the funds.

Councilmember Kell moved to approve the resolution. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. (9-0-0)

ORDINANCE NO. 20346 introduced by Interim City Manager William E. Cochran amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on properties located within Downtown Topeka from “M-3” Multiple Family Dwelling District, “C-4” Commercial District, and “O&I-2” Office and Institutional District, TO “D-2” Downtown District (Z22/01), was presented.

Bill Cochran, Interim City Manager, reported Staff is recommending approval of the rezoning as presented.

Councilmember Emerson asked if the rezoning would impact the Topeka Foundry & Iron Works Company.

Bill Fiander, Planning and Development Director, stated the rezoning would not include the Company; however, it may be included in the next phase of “D3” zoning changes in a couple months.

Mayor Padilla announced prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and impartially consider the measure based only upon the evidence provided on the record. The record includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

Ex parte communication was declared by Councilmember Hiller.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Dobler carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan, and Mayor Padilla -9.

ORDINANCE NO. 20347 introduced by Interim City Manager William E. Cochran amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 2500 SW 17th Street from “C-2” Commercial District TO PUD Planned Unit Development (C-2 Commercial uses plus a pet nursing hotel with an outdoor area for training and medical support of pets) (PUD22/01), was presented.

Mayor Padilla announced prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and

impartially consider the measure based only upon the evidence provided on the record. The record includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

No ex parte communication was declared.

Councilmember Dobler moved to adopt the ordinance. The motion seconded by Councilmember Hiller carried. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan, and Mayor Padilla -9.

ORDINANCE NO. 20348 introduced by Interim City Manager William E. Cochran amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 1911 S Kansas Ave from “M-1” Two-Family Dwelling District to “C-4” Commercial District. (Z22/03), was presented.

Mayor Padilla announced prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and impartially consider the measure based only upon the evidence provided on the record. The record includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

No ex parte communication was declared.

Councilmember Kell moved to adopt the ordinance. The motion was seconded by Councilmember Ortiz.

Councilmember Kell spoke in support of the ordinance and noted it would contribute to economic development growth in Topeka.

The motion to adopt the ordinance carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan, and Mayor Padilla -9.

ORDINANCE NO. 20349 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.

Thomas Underwood, NOTO Arts & Entertainment District Executive Director, reported NOTO businesses support the BID proposal as presented and no further feedback from businesses has been received since presented to the Governing Body for consideration.

Councilmember Valdivia-Alcala moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan, and Mayor Padilla -9.

DISCUSSION regarding issuance of general obligation bonds, amending Charter Ordinance 89, was presented.

Stephen Wade, Administrative and Financial Services Director, reported the City's Bond Counsel has requested amendments that clarify General Obligation (GO) bonds can be used to

acquire police and fire-fighting equipment. He stated passage will obviate the need to utilize K.S.A. 12-110c which authorizes issuance of G.O. bonds for fire-fighting equipment subject to publication of a notice of intent (NOI) and protest period.

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

Bill Cochran, Interim City Manager, reported the discussion was continued from the meeting of April 5, 2022.

Councilmember Valdivia-Alcala spoke in support of the proposed ordinance. She stated the ordinance was vetted by the appropriate community groups and Thomas Underwood, Executive Director of NOTO Arts & Entertainment District was present for questions.

Councilmember Kell asked if the NOTO Board considered making Kansas Avenue a walkway due to limited area sidewalks as well as allowing businesses to expand in the streets. He stated his main concern is the safety of citizens and asked if the residents of the Topeka Rescue Mission have been consulted about the proposed change.

Thomas Underwood, NOTO Arts & Entertainment District Executive Director, reported businesses have always been reluctant to close Kansas Avenue as it has a serious effect on business operations as well as there is limited outlying parking. He referenced the negative impact the construction of the Kansas Avenue Bridge had on downtown Kansas Avenue, and noted there has been many safety issues that have had to be addressed due to bicycles etc. He reported the proposed ordinance is a measure to enhance the area and make it more visitor friendly and it would not preclude bicycles from being in the area, just on sidewalks.

Councilmember Duncan moved to suspend the Governing Body rules to consider the ordinance for action. The motion seconded by Councilmember Valdivia-Alcala carried

unanimously on roll call vote. (9-0-0)

ORDINANCE NO. 20350 introduced by Councilmember Christina Valdivia-Alcala, concerning bicycles, scooters, roller skates and skateboards in the NOTO Arts & Entertainment district, amending City of Topeka Code Section 10.35.030 and repealing original section, was presented.

Councilmember Valdivia-Alcala moved to adopt the ordinance. The motion was seconded by Councilmember Ortiz.

Councilmember Emerson asked if the regulations are approved would it impact the mobility of electric scooters in the area.

Amanda Stanley, City Attorney stated an Americans with Disabilities Act (ADA) device would be excluded from the regulations.

The motion to adopt the ordinance carried. Councilmember Kell voted “no.” (7-1-0) The Mayor did not vote. (*The proposed ordinance involved a matter of home rule on which the Mayor has veto authority.*)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Naeger, Dobler and Duncan -7. Nays: Kell -1.

DISCUSSION regarding a request by the Public Health and Safety Committee to temporarily suspend Rule 8.2 and appoint a fourth governing body member to the Public Health and Safety Committee, was presented.

Councilmember Duncan stated the additional Committee member would help address the workload of the Changing the Culture of Property Maintenance initiative recently implemented by the City. He reported he would be willing to fill the temporary role as Committee member unless there was an objection.

Upon hearing no objections, Councilmember Duncan noted the item would be considered for action on April 19, 2022.

DISCUSSION on the implementation of a recruitment plan to search for qualified candidates to fill the position of city manager, was presented.

Jacque Russell, Human Resources Director, introduced Paul Bossert and Patti Mellard, Kansas Personnel Services d/b/a Key Staffing. She stated the position description was provided to the Governing Body via email on April 11, 2022, along with other process suggestions.

Patti Mellard thanked the Governing Body for allowing them to assist in the process and stated they will work diligently to put a process in place that will result in a successful candidate.

Paul Bossert referenced a communication he distributed to the Governing Body on April 11, 2022. He welcomed input from Governing Body members and offered to meet with each member personally. He stated the first priority is to finalize the position description and recommended meeting with each Department Director in the beginning of the process and inviting stake holders for ratings later in the process.

Mayor Padilla spoke in support of meeting with Department Directors and gathering their input.

Councilmember Kell stated he believes the community would like to be involved from the beginning of the process as well as he believes it would also help guide the consultant in determining what is best for the city and the panel in hiring the right person.

Councilmember Hiller stated she concurs with Councilmember Kell.

Councilmember Duncan suggested setting up an email account or online comment portal to allow citizens the opportunity to provide input for a set period of time.

Councilmember Dobler spoke in support of gathering public input via email or through an

online comment portal.

Councilmember Valdivia-Alcala spoke in support of gathering public input via email or through an online comment portal as well as utilizing all available social media platforms.

Councilmember Emerson referenced Item No. 7 listed in the city manager job description document and asked if the city manager will be required to lead labor negotiations. He stated he believes having the city manager involved in the negotiation process hinders the ability to facilitate and sustain positive labor negotiations.

Human Resources Director Russell asked for clarification as it relates to the interview team and stakeholder input. She reported the city manager leading labor negotiations would be an expectation of the position.

Interim City Manager Cochran stated citizens will provide input on the position description and what they would like to see in a city manager. He reported Staff would create an email account that would be available for a set time period to gather public input as well as move forward with the advertising of the position as it is a public record. He stated he concurs with Councilmember Emerson in regards to labor negotiations because the city manager presents directly to the Governing Body. He suggested revising the language to reference “his/her designee.”

Mayor Padilla stated he concurs with Interim City Manager Cochran and Councilmember Emerson as it relates to labor negotiations. He spoke in support of having an online comment portal to gather public input and expressed the importance of staying on track and moving forward with the process.

Human Resources Director Russell suggested the language be revised in Item No. 7 of the city manager position description document to state “Facilitate and sustain positive labor relations.

Ensure labor agreements are consistent with Governing Body and City goals and objectives.”

Councilmember Hiller suggested the language of Item No. 1 of the city manager position description document be revised to include “facilitate department activities between departments and outside entities.”

Interim City Manager Cochran announced he would contact the Governing Body when the online comment portal has been activated.

Paul Bossert stated Key Staffing would be willing to create a spreadsheet of comments to provide a good working document.

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

Stephen Wade, Administrative and Financial Services Director, stated the discussion would continue from the April 5, 2022, Governing Body meeting and includes one new proposal from the Fire Department for consideration in outlying years.

Councilmember Dobler referenced the Sidewalk Repair Program on page 19 of the 2023-2032 Capital Improvement Plan Book. He stated the Public Infrastructure Committee has had discussions regarding the 50/50 sidewalk program which has an annual fund balance of \$200,000. He asked if there is a project planned in the current year; and what the current process is for handling sidewalk repairs based on complaints. He suggested funding Low to Moderate Income (LMI) neighborhoods or income based individuals for those who cannot afford repairs. He requested the Sidewalk Program be discussed at an upcoming Public Infrastructure Committee meeting.

Councilmember Valdivia-Alcala stated she concurs with Councilmember Dobler. She stated people are not utilizing the 50/50 program because they cannot afford it specifically as it

relates to the elderly LMI population.

Councilmember Hiller referenced and explained the four sidewalk programs that are currently available and encouraged the Governing Body and Staff to look at these programs comprehensively.

Braxton Copley, Utilities Director, stated Staff will provide a presentation at the upcoming Public Infrastructure Committee. He reported not all program funds have been expended and he would recommend temporarily reducing the amount being requested and work towards spending down the \$200,000 of Sidewalk Program funding.

Councilmember Dobler expressed his intent to make certain the funds needed to assist the elderly will be made readily available and easy to access.

Mayor Padilla stated he concurs with Councilmember Dobler and would support this much needed initiative.

Councilmember Duncan referenced the Municipal Building Heating, Ventilation, and Air Conditioning (HVAC) upgrades in the amount \$10.2 million. He stated he is still confused as to why an assessment cannot be made on the building to confirm the amount needed. He inquired on the timeline for relocating City Fleet Division operations.

Interim City Manager Cochran stated he has instructed Staff to dedicate \$1 million of the \$2.8 million remaining of City Hall renovation funds to complete an accurate evaluation of the HVAC system. He reported the City must remove Fleet Division operations from the current building location no later than July 2024; the Fleet Division building has been appraised at \$1.2 million; and the City may receive additional funds for the relocation of equipment.

Councilmember Hiller referenced several CIP projects that have leftover funding each year resulting in approximately \$3.45 million of unobligated funds. She reported if they were to

consider sun-setting those projects/maintenance items and take advantage of fund and mill levy balances along with moving the purchasing of fire and fleet vehicles back into the operating budget it would equate to \$8-13 million annually to spend on more routine items.

DISCUSSION introduced by Councilmember Spencer Duncan supporting serious discussion and consideration of reducing mill levies for budget year 2023 by the City and other taxing subdivisions in light of significant property value increases, was presented.

Councilmember Duncan reported the proposed resolution would be utilized during the City's budget deliberations. He stated approval would not lower the mill levy but instead, ask all other entities to seriously consider lowering the mill levy within their budget.

Councilmember Valdivia-Alcala stated she concurs with Councilmember Duncan. She stated the resolution will help people understand where the responsibility lies for increased mill levy and taxes.

Councilmember Emerson stated government always expands operation costs to what amount of funding is available; therefore, he supports the idea and concept. He stated there is a need to look at the amount of tax exempt properties in Shawnee County and noted government should not grow faster than inflation.

Councilmember Dobler stated he agrees with the concept and will be interested to see how the combined increase will relate to inflation. He stated approval of the resolution would lead the City to bigger discussions which should be done every time the Governing Body considers an operating budget. He stated available fund savings needs to be taken into account including reserve fund balances and sales tax. He suggested they proceed in a similar manner as the State and pay down debt.

Councilmember Duncan stated the resolution would be considered for action on the April

19, 2022 agenda.

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

Brenda Younger, City Clerk, provided an overview of the April 19, 2022, Governing Body meeting agenda.

Bill Cochran, Interim City Manager, reported the White Lakes Mall building demolition will be completed soon. He announced the release of the employee satisfaction survey provides a tool for all City employees to provide input on a city manager.

Councilmember Valdivia-Alcala referenced research from the American Medical Association, which considers racism as a public health crisis. She supports the proclamation request from Shawnee County Health Department that supports and acknowledges this as a crisis. She thanked the City of Topeka Sustainability Board for their Presentation and noted, there is a need to schedule a meeting with the appropriate representatives to discuss the full-time staff position so they can take advantage of energy audit grant funding possibilities. She requested Gretchen Spiker, Communications Director, be a part of the meeting so they can utilize the social media platform.

Councilmember Kell stated April 16, 2022 is the start of National Parks Week. He announced all State parks are offering free admission on April 16th and expressed the importance of learning about the history of our nation.

Councilmember Naeger announced April as National Sexual Awareness Month and she provided a brief overview of the sexual crime statistics. She stated for those wanting to report sexual assault they can call the National Sexual Assault Hot Line at 1-800-656-4673 or report online at www.riann.org or www.nsvrc.org.

Councilmember Naeger left the meeting.

Councilmember Duncan announced April 12, 2022, as Kansas Voter Registration Day and expressed the importance of voting.

Councilmember Hiller announced the recent welcoming of the 2022 Class of Mosaic Partner Pairs. She stated she is a member of Ukraine refugee taskforce and continues to work to help them in collaboration with the Greater Topeka Partnership.

Mayor Padilla stated it was a privilege to meet the Ukraine refugees and offered any help the City could provide to assist with local efforts.

Councilmember Lesser joined the meeting remotely via Zoom.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 15 minutes to discuss the acquisition of real property for a location for a possible fleet building, as justified by KSA 75-4319(b)(6). 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 Dobler carried unanimously on roll call vote. (8-0-0) Councilmember Lesser did not vote.

Following a 15-minute time period, the meeting reconvened into open session and Mayor Padilla announced no action was taken during the executive session.

Councilmember Lesser left the meeting.

Councilmember Dobler moved to recess into executive session for a period of time not to exceed 15 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 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.

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”. (8-1-0)

Following a 15-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 8:55 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

Kelly L. Bogner

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, April 12, 2022 6:36 PM
To: City Clerk; City Council; Michael Lesser; Tony Emerson; Spencer Duncan; Neil Dobler; Sylvia Ortiz; Michael Padilla
Cc: Mayor
Subject: 6D. Discussion. Ref Manager

One of the things we really need in Manager is an ability to solve problems, and examples of solving public policy problems ,and an ability to analyze public problems on their own when needed ,and to find solutions promptly with minimal resources when necessary. An ability to build consensus and negotiate. An ability to have empathy for our citizens and a willingness to listen to the public and the council board. Thank you.

Joseph Ledbetter Citizen, JD ,MPA

Sent from my iPhone

Kelly L. Bogner

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, April 12, 2022 6:48 PM
To: City Clerk; City Council; Michael Lesser; Tony Emerson; Spencer Duncan; Sylvia Ortiz; Mayor; Neil Dobler
Subject: CIP

Ref City Hall HVAC. \$10 millions to spend- I am opposed. We spent \$2 millions on 2018 on this HVAC. I am thinking about how much good this amount would accomplish if \$10 millions would be used for housing incentives or possibly even street surface repairs. This is Alot of money and is about \$125,000 to spend each, for offices for 80 employees. We are needing less office space as a society nationwide. More folks are working out of office. Thank you. Joseph Ledbetter JD,MPA

Sent from my iPhone

Kelly L. Bogner

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, April 12, 2022 6:59 PM
To: City Clerk; City Council; Tony Emerson; Spencer Duncan; Sylvia Ortiz; Michael Lesser; Neil Dobler
Subject: 6 F comments Reducing Mil Levy

I support this discussion. We need to make sure Topeka is affordable to live in. I am hearing of huge valuation increases and believe over 5 percent increases may be actually be too much. But we need to be ready to lower the mil levies and not take a win fall off the citizens. Thank you. Joseph Ledbetter JD, MPA Sent from my iPhone