

Governing Body Minutes – May 3, 2022

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, May 3, 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 and Duncan -4; and Councilmember Valdivia-Alcala, Ortiz and Lesser participated remotely -3 Mayor Padilla presided -1. Absent: Councilmembers Naeger and Dobler -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 May 3, 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 May 3, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Ortiz, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

Councilmember Naeger joined the meeting remotely.

BOARD APPOINTMENT recommending the appointment of Jon Bohlander to the NOTO Business Improvement District Advisory Board to fill a term ending May 2, 2023, was presented.

(Council District No. 2)

BOARD APPOINTMENT recommending the appointment of William Horn to the NOTO Business Improvement District Advisory Board to fill a term ending May 2, 2023, was presented. *(Council District No. 2)*

BOARD APPOINTMENT recommending the appointment of Pedro Concepcion to the NOTO Business Improvement District Advisory Board to fill a term ending May 2, 2024, was presented. (*Council District No. 2*)

BOARD APPOINTMENT recommending the appointment of Monette Mark to the NOTO Business Improvement District Advisory Board to fill a term ending May 2, 2024, was presented. (*Council District No. 2*)

BOARD APPOINTMENT recommending the appointment of Thomas Underwood to the NOTO Business Improvement District Advisory Board to fill a term ending May 2, 2024, was presented. (*Council District No. 2*)

Councilmember Duncan referenced a concern he raised when the NOTO BID was established as it relates to the same individuals that serve as a member of the NOTO Board of Directors also serving as Advisory Board members. He stated he would vote in favor of the appointments at this time because he believes the individuals will serve the boards well; however, moving forward this may not be best practice.

Councilmember Kell moved to approve the board appointments. The motion seconded by Councilmember Emerson carried. Mayor does not vote. Councilmember Lesser voted “no.” (6-1-0)

CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20353 introduced by Interim City Manager William E. Cochran, allowing and approving City expenditures for the period February 26, 2022 to March 25, 2022, and enumerating said expenditures therein, was presented.

RESOLUTION NO. 9305 introduced by Councilmember Christina Valdivia-Alcala, approving a special event known as the Sacred Heart-St. Joseph Parish Germanfest 2022, was

presented. *(Council District No. 2)*

RESOLUTION NO. 9306 introduced by Councilmember Karen Hiller, approving a special event known as the Second Saturday Summer Concert Series, was presented. *(Council District No. 1)*

RESOLUTION NO. 9307 introduced by Councilmember Karen Hiller, approving a special event known as Tap That Topeka, was presented. *(Council District No. 1)*

RESOLUTION NO. 9308 introduced by Councilmember Christina Valdivia-Alcala, granting Sacred Heart-St. Joseph Parish 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)*

RESOLUTION NO. 9309 introduced by Councilmember Karen Hiller granting The Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. *(Council District No. 1)*

RESOLUTION NO. 9310 introduced by Councilmember Karen Hiller granting Greater Topeka Partnership, an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. *(Council District No 1)*

RESOLUTION NO. 9311 introduced by Councilmember Brett Kell granting John Larsen an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. *(Council District No. 5)*

MINUTES of the regular meeting of April 19, 2022, was presented.

APPROVAL of the following Cereal Malt Beverage license applications were presented:

<u>Business Name</u>	<u>Address</u>
Abraham SN	1107 SW 6 th Avenue
ALDI #9	2320 NW Clay Street
ALDI #54	1530 SW Arvonnia Place
ALDI #83	105 SW 29 th Street
BWell Market	600 SE Quincy Street

Business Name

Casey's #2261
Casey's #2312
Casey's #3580
Casey's #3971
Hy-Vee #1658
Hy-Vee Gas
Love's Travel Stop #769
Murphy Express #8599
Neighborhood Smoke
Wood Oil #7

Address (continued)

600 SE Rice Road
4441 SE California Avenue
6741 SW 21st Street
2133 N Kansas Avenue
2951 SW Wanamaker Road
6011 SW 29th Street
1811 NW Brickyard Road
1531 SW Wanamaker Road
1700 SW Van Buren Street
101 NE US Hwy 24

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

SETTING a public hearing date of June 7, 2022, for consideration of imposing special assessments for Horseshoe Bend Subdivision No. 5, Sherwood Village Subdivision, and Misty Harbor Estates No. 5, was presented.

Bill Cochran, Interim City Manager, reported approval would set a public hearing date of June 7, 2022, to consider imposing special assessments in certain subdivisions as required by State law.

Councilmember Emerson moved to approve setting a public hearing date of June 7, 2022, and authorizing publication in the Topeka Metro Newspaper. The motion seconded by Councilmember Ortiz carried unanimously on roll call vote. (9-0-0)

DISCUSSION of an amendment to the City of Topeka 2021 Consolidated Action Plan for the allocation of funding for the HOME-ARP Implementation Plan, was presented.

Corrie Wright, Housing Services Division Manager, explained the proposed amendment of the HOME-ARP Implementation Plan would be added as a supplemental amendment to the 2021-2025 Amended Consolidated Action Plan.

Andy Pfister, Development Strategies, provided a short summary on the background of the

program, a \$2.1 Million HUD grant being allocated to the City of Topeka. He reported HUD requires an allocation plan be developed before releasing the funds to the City, and the City will create an RFP process for program applications. He highlighted the three plan components required by HUD which includes Consultations, Needs and Gaps Analysis and Public Comment. He summarized the plan as follows:

- The allocation plan will specify the focus of the funds and what is eligible.
- The target populations and goal of the program from HUD is to improve housing stability for the homeless, those at risk of being homeless and situations of domestic violence that cause housing insecurity.
- Eligible uses are for the acquisition and production of affordable housing units, rental assistance that keeps people in stable housing situations, support services that give individuals more stability, and non-congregate shelter which is similar to many homeless shelters currently in operation with the exception it has private rooms similar to dorm room living improving privacy and security for its tenants

Mr. Pfister continued to report on the many organizations in Topeka that provide support services for the homeless and affordable housing needs. He referenced the input gathered and noted key takeaways included the need for more emergency shelter beds for special populations; more decent affordable housing units; more supportive and mental health services; purchase housing for victims of domestic abuse; and more case workers to support homeless individuals and families. He summarized Needs and Gaps to include 20 units/40 beds for families; 30 units/45 beds for adults; and 400-500 units of affordable housing for the at-risk and formerly homeless populations. Overall recommendations included the following:

1. Allocate \$1 Million for the acquisition and development of non-congregate shelters with a goal of up to 20 units.
2. Allocate \$754,963 to develop affordable rental housing (permanent support services) with the hope applicants will leverage other programs such as tax credits and HOME funds etc. in order to provide more units for individuals in the city.

3. Allocate \$309,699 for Program Administration (15%) if the money is not used by the City it can be reallocated to the other categories in the plan; however, the funds are earmarked to make sure the funds are administered correctly.
4. Supportive services are not included in this plan because providers have been encouraged to apply for ARPA funds that have been set aside by the City for Social Services.
5. Goal is to fund approximately 20 non-congregate shelter units and 20 affordable supportive housing units.

Councilmember Duncan referenced this as a one-time funding opportunity and how it may create logistical difficulties in the maintenance and funding of housing units in out-years. He asked what assurance the City will have from the individuals acquiring and producing affordable housing units, that those units will be used for intended purposes. He also questioned if the City would have to continue funding administrative fees in out-years for the program. He expressed concern with Staff encouraging certain social groups to apply for ARPA funding when the Governing Body is still in the process of establishing guidelines and directives on how they plan to allocate the \$10 million of ARPA funding for social services.

Andy Pfister stated the City could include provisions to ensure housing units will be used for intended purposes; and administrative fees are meant to help the City establish the program and administer program funds.

Councilmember Hiller inquired on administrative fees and if the funds could be used for staffing shelters and establishing properties. She suggested the RFP require that applicants must demonstrate the ability for a commitment to manage shelters without the use of City operating funds.

Housing Services Manager Wright reported administrative fees are intended for the City as grantee; however, if all of the funds are not expended those funds can be shifted to another category within the program. She reported project capacity i.e. the ability to continue the program

without help from the City will be a scoring factor of the RFP.

Councilmember Hiller stated she concurs with Councilmember Duncan and cautioned Staff against misleading community organizations as it relates to ARPA funding for social services. She stated it seemed there was a commitment by the Governing Body when they authorized the \$10 million in ARPA funding for social services that it would be used for future strategic investment not for operating funds.

Councilmember Valdivia-Alcala stated she concurs with Councilmember Duncan as it relates to the allocation of ARPA funding and encouraged Staff to be very careful not to misguide organizations. She expressed the importance of addressing the chronic unsheltered population and asked if the proposed dollars could be used for the “Built for Zero” movement, a program that has proven to reduce chronically unsheltered population in other communities.

Housing Services Manager Wright stated HUD funds must be spent on the three categories outlined in the implementation plan; however, the overall 5-year Consolidation Action Plan could be amended to allocate dollars for the “Built for Zero” movement.

Councilmember Emerson stated he concurs with comments made by Councilmember Valdivia-Alcala and noted the proposed recommendations are treating the symptoms not the cause. He expressed his full support of the recommendation to assist those facing homelessness due to domestic abuse; however, they must find ways to address the cause of chronic homelessness.

Housing Services Manager Wright reported for the past several years, HUD has supported a push for the “Housing First” model approach, a homeless assistance approach that prioritizes providing permanent housing to serve as a platform to pursue personal goals and improve lives. She reported a portion of the City of Topeka Shelter Plus Care funds are used for this program approach.

Councilmember Duncan inquired on the status of “Impact Avenues” a program to help significantly reduce student homelessness in Topeka, and asked if these funds could be used for the program.

Housing Services Manager Wright offered to provide the Governing Body an update on the Impact Avenues program. She reported the program is in its third successful year, and its community partner Advisors Excel has agreed to continue funding the program for another year. She noted the program would qualify for the proposed funding under support services; however, there are many other programs that would also qualify.

Mayor Padilla requested Staff provide a full update to the Governing Body on the Impact Avenues program.

Councilmember Kell asked Staff to ensure housing unit sets are placed in separate geographical locations in the city to address all the needs of the community and make sure individuals and families are safe.

Housing Services Manager Wright stated she agrees with suggestions made by Councilmember Kell. She reported the aspect of on-site staffing and support services would be included as scoring piece of the RFP as well as proposing only 20 units per site to help ensure the safety of the tenants.

Councilmember Hiller requested Staff provide the Governing Body a profile of each proposed program and/or model, applicable funding proposal as well as how each of the programs would serve and support the plan being proposed by Staff.

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

Stephen Wade, Administrative and Financial Services Director, referenced CIP Supplement

No. 2 listing the suggested changes by Governing Body members since the beginning of CIP discussions. He reported Staff was proposing the following additional changes:

- 1) In reference to Parking Facility repairs in the amount of \$7 million, the funds have been moved from cash payments to taxable general obligation bonds because the Parking fund is not able to support cash payments.
- 2) In reference to the request by Councilmember Hiller to consider pausing some programs, he noted the “Fix our Streets” funding portion of the program stays in the CIP funding; however, it would roll to 2028.
- 3) In referenced to Phase II, of the NW Tyler (Paramore to NW Beverly Street) Engineering project it would accelerate one year from 2024-2025 to 2023-2024.

Councilmember Duncan asked if the shifting of parking funds would have an effect on the spending of the funds.

Councilmember Hiller asked with the shift in parking funds, if the expectation of Staff is to pay debt service from this fund.

Finance Director Wade reported the movement of parking funds from cash payments to bonds accelerates the ability to spend the funds; and at this time, he is uncertain if the Parking fund could support the debt service due to low revenue streams.

Councilmember Hiller inquired on the status of the overall parking plan review including revenue streams.

Interim City Manager Cochran reported he would be meeting with Staff next week for an update on overall downtown parking, followed by recommendations to the Governing Body to allow them to determine how to address some of the financial risks associated with the Parking fund including debt service.

Finance Director Wade noted if needed the General fund would serve as the backstop to pay the debt service.

Councilmember Hiller questioned how much revenue would be generated as it relates to how much the City would be obligated in terms of the \$27 million three-year general obligation

bonding gap that is currently in place. She asked what the current GO bonding cap would be with the proposed CIP and questioned how the allocation of \$36 million in ARPA funding would offset the normal amount the City would bond for CIP projects. She stated she would like to reconcile anticipated net savings.

Finance Director Wade reported it was approximately \$36 million out of \$55 million over a five-year period, and since that time the Parking fund, TPAC/City Hall HVAC System and Fleet Services Garage items has been added to the request. He noted approximately \$24 million in project allocations have been added back to the GO bonding cap amount.

Councilmember Duncan stated it was his understanding the Governing Body wanted to use as much ARPA funding as financially feasible to offset bonding amounts; however, also looking at projects the City would not have to take on new debt to implement, freeing up funds. He reported in the near future they will receive recommendations from the Public Infrastructure Committee about parking garages. He spoke in support of allocating funds to the City-owned parking garages at this time; however, he questioned if Staff has assessed the fiscal breakdown of each parking garage including what is being charged to avoid dealing with the same financial burden in the future.

Interim City Manager Cochran reported discussions continue on all aspects of parking fees and there continues to be a big push to completely eliminate parking fees, which is not a feasible option for the City if the plan is to maintain the parking garages and horizontal parking. He stated the bagged parking meter discussion will be addressed at the May 17, 2022 Governing Body meeting.

Councilmember Duncan asked Staff to provide the amount of actual funds expended to operate each parking garage so they can make an informed decision.

Councilmember Hiller asked if the most recent parking study has been updated in regards to revenue projections and suggested Staff distribute that study to the Governing Body for review as it would provide a good framework to start considering parking fee options.

Councilmember Emerson spoke in opposition of zeroing out the Pavement Program fund or pausing the program for next year and noted local industry experts believe there will be the capacity to perform the services for pavement projects. He stated there is a need to bid projects as early as August in order for contractors to receive the best pricing. He reminded Staff the first phase of the Polk-Quincy Viaduct project would begin in the summer and will have a huge impact on local pavement and asphalt companies.

Finance Director Wade reported Staff remains optimistic the City will make good progress on paving projects in 2022 and understands the time sensitivity related to bidding projects.

PUBLIC COMMENT was provided by the following individual:

Dr. Russell Burton commended the Governing Body for caring about the chronic homeless population. He stated there is a need to maintain public health in the homeless camps by funding “Housing First” with Shelter Plus Care funds. He highlighted program statistics and suggested program funding be increased by 50% to 100% as well as increasing affordable housing accommodations in the community. He reported the “Built for Zero” movement currently exists in approximately 90 communities across the nation, however, the Housing First program has been in place for years and is used across the nation and world-wide. He spoke to the mental health issues that have a direct effect on the chronic homeless population.

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

Brenda Younger, City Clerk, provided an overview of the May 10, 2022, Governing Body

Meeting agenda.

Bill Cochran, Interim City Manager, stated the City of Topeka will be hosting a Register and Bid Virtual Small Business Workshop on May 7, 2022 from 9:00 – 11:00 a.m. He stated vendors who would like to register for the workshop can do so at procurement@topeka.org.

Councilmember Kell announced May 3, 2022, is National Teachers Day and spoke to the great impact teachers have on students while dealing with limited resources. He encouraged everyone to honor their favorite teacher.

Councilmember Naeger congratulated Tammie Martin for being named the 2022 Kansas Legal Professional of the Year. She shared the website www.donorschoose.org for those that would like to donate to their favorite teacher's project. She reported Sonic Drive-In has committed to matching up to \$1.5 million in donations to "Donors Choose" a nonprofit organization that allows people to donate directly to public school requests from teachers. She thanked all teachers and schools professionals for their service.

Councilmember Duncan announced on May 5, 2022, the annual Kansas Law Enforcement Memorial Ceremony would be held at the Kansas State Capitol and the annual Topeka Police Department Memorial Service would be held at the Law Enforcement Center. He encouraged citizens to provide their input on "What qualities the next city manager should have?" by participating in the City Manager Position Public Input Survey available online at www.topeka.org until May 13, 2022. He announced he would host District 8 Open Office Hours at Fairlawn Plaza from 9:00 a.m. – 10:30 a.m. on May 7, 2022. He referenced the City's American Rescue Plan Act (ARPA) funds application process and reported the Policy and Finance Committee is waiting to conduct their next Committee meeting until June because they are waiting on ARPA funding decisions by the State which should occur by the end of May. He announced the opening of

Crumb Cookies located at 2130 SW Wanamaker Road.

Councilmember Lesser recognized the teachers that made a difference in his life and thanked all teachers for their service.

Councilmember Hiller stated as a member of the local Ukrainian Refugee Taskforce, they are welcoming a third family arriving May 5, 2022. She commended all community organizations that have provided assistance to Ukrainian families. She announced May is Asian American Pacific Islander Month.

Councilmember Valdivia-Alcala expressed her appreciation to teachers and recognized the special teachers in her life. She recognized Peyton Sewell and Jalim Ramirez as local champions of the Three Shields Boxing Academy. She expressed the importance of recognizing veterans and encouraged citizens to attend the unveiling of the Our Lady of Guadalupe Church Veterans Memorial on May 5, 2022.

Mayor Padilla announced additional bricks are available to purchase for the Our Lady of Guadalupe Church Veterans Memorial. He also announced a new USS Naval ship, named in honor of Topekan Frank E. Peterson, Jr., who was the first African-American Marine Corps aviator and general, will be commissioned in South Carolina on May 14, 2022.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 15 minutes to discuss employer/employee negotiations relating to the Fraternal Order of Police 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.

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.

Councilmember Kell moved to recess into executive session for a period of time not to exceed 20 minutes to discuss matters related to individual employees, pursuant to KSA 75-4319(b)(1). 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 Emerson.

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

NO FURTHER BUSINESS appearing the meeting adjourned at 8:25 p.m.

(SEAL)

Brenda Younger
City Clerk