

Governing Body Minutes – May 17, 2022

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, May 17, 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, Ortiz, Emerson, Kell, Dobler and Duncan -6; and Councilmembers Valdivia-Alcala, Naeger and Lesser participated remotely -3. Mayor Padilla presided -1.

Public comment for the meeting was available via Zoom or in-person. Individuals were required to contact the City Clerk's Office at 785-368-3940 or via email at cclerk@topeka.org by no later than 5:00 p.m. on May 17, 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 17, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Kobe Hall, Eisenhower Middle School student and member of the Hi-Crest Fellowship Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Angela Broxterman to the Downtown Business Improvement District Advisory Board to fill a term ending May 31, 2024, was presented.

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

PRESENTATION on the 2022 City of Topeka Finance Department First Quarter Report was provided by Stephen Wade, Administrative and Financial Services Director. He stated Kalea

Pauole, City of Topeka Senior Grants Program Administrator, has assisted in applying for \$154 million in grant funding with four grants underway. He commended her for her work and noted she was a great asset to the City and non-profit agencies in the community.

Mayor Padilla commended Ms. Pauole for her service to the City and community.

Councilmember Duncan inquired on the balance of CARES Act funding and breakdown of expenses.

Councilmember Valdivia-Alcala asked how much grant funding has been received by the City.

Finance Director Wade reported the balance of the CARES Act fund is approximately \$200,000 and he would report back to the Governing Body on applicable expenses; and the City has not yet received any grant funding.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9319 introduced by Councilmember Sylvia Ortiz, granting Yvonne Duncan an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. *(Council District No. 3)*

RESOLUTION NO. 9320 introduced by Councilmember Karen Hiller granting Arab Shrine Temple 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. 9321 introduced by Councilmember Christina Valdivia-Alcala granting Christopher Mulford 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. 9322 introduced by Councilmember Karen Hiller, approving a special event known as Topeka Under Achiever's 0.5K, was presented. *(Council District No. 1)*

RESOLUTION NO. 9323 introduced by Mayor Michael Padilla granting Valley Park NIA an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. *(Council District No. 6)*

MINUTES of the regular meeting of May 3, 2022 and May 10, 2022, were presented.

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

<u>Business Name</u>	<u>Address</u>
Low Cost	3101 SE 6 th Avenue
Supermart El Torito	3000 NW Topeka Boulevard
Target Store T-0355	2120 SW Wanamaker Road
Top City Beverage	2525 SW 29 th Street
Walgreens #03069	1001 SW Topeka Boulevard
Walgreens #03772	2901 SE California Avenue
Walgreens #04557	2121 SW Fairlawn Road
Walgreens #04782	3696 SW Topeka Boulevard
Walgreens #04981	3630 SW Wanamaker Road
Walgreens #07778	1001 SW Gage Boulevard
Walgreens #15601	2101 NW Topeka Boulevard
Walgreens #16314	3900 SW 29 th Street

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

APPROVAL of a General Warranty Deed between the City of Topeka and the Kansas Department of Transportation (KDOT) for property located at 100 SW Van Buren (Tract 7), was presented.

Bill Cochran, Interim City Manager, reported the proposed donation of properties located at 100 SW Van Buren Street (Tract 7) and 129 SW Van Buren Street (Tract 9) were discussed at the May 10, 2022 Governing Body meeting. He stated donation of land requires approval by the Governing Body.

Councilmember Ortiz moved to approve the General Warranty Deed for property located at 100 SW Van Buren (Tract 7). The motion seconded by Councilmember Dobler carried

unanimously on roll call vote. (10-0-0)

APPROVAL of a General Warranty Deed between the City of Topeka and the Kansas Department of Transportation (KDOT) for property located at 129 SW Van Buren (Tract 9), was presented.

Councilmember Dobler moved to approve the General Warranty Deed for property located at 129 SW Van Buren (Tract 9). The motion seconded by Councilmember Kell carried unanimously on roll call vote. (10-0-0)

ORDINANCE NO. 20354 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 117 NE U.S. Highway 24 from “C-4” Commercial District TO PUD Planned Unit Development (M-2 Multi-family Residential uses). (*PUD22/01*), was presented.

Mayor Padilla stated 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 each member of the Governing Body.

Councilmember Valdivia-Alcala commented on the nature of the type of proposed housing initiative that aims to address the need of affordable housing for any person in need not just the

unsheltered and homeless population. She reported that no area residents participated in the Neighborhood Information meeting; however, since that time, residents have expressed concern with the parking density (123 parking spaces) be proposed for the housing complex as required by the Topeka Municipal Code (TMC). She asked Bill Fiander, Planning and Development Director, to provide an explanation of the proposed parking for the housing complex; the Pedestrian Connection being proposed in the site plan; if there have been similar zoning case proposals that have reduced the amount of approved parking spaces; and if the TMC parking requirements could be amended in the near future.

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

Bill Fiander, Planning and Development Director, reported the following:

- The applicant is proposing a total of 65 parking spaces for the 75-unit housing complex, an amount far less than what is required of the TMC. He stated due to the size of the units and targeted tenants, intent of the project and facilities nearby, Staff feels the parking ratio being proposed in the PUD is appropriate.
- A bus stop is located on both sides of Kansas Avenue and north of NW Elm Row Avenue. Staff has recommended a pedestrian connection from the property to Kansas Avenue as included on the site plan. The most recent zoning case where reduced parking was approved occurred near the area of SW 6th Street and SW Topeka Boulevard.
- Staff has been reviewing proposed changes to the TMC with the Planning Commission in order to allow for sites to be available for housing as well as lower the cost of development.

Councilmember Duncan expressed concern with the developer not being required to provide at least a one to one parking ratio for the proposed housing complex. He asked if this concerned Staff.

Councilmember Emerson stated he would oppose the request as presented unless the developer agrees to provide at least a one to one parking ratio for the housing complex.

Councilmember Naeger asked how close the Topeka Metro Bus Service would be located

to the development. She spoke in support of the development as proposed because the community is in need of affordable housing opportunities.

In response, Planning and Development Director Fiander provided the following information:

- The one to one parking ratio is realistically being accommodated as well as the proposed site plan includes ten bicycle parking spaces.
- Phase I consists of 31 new housing units and Phase II consists of 34 new housing units. He stated when an apartment lease is signed there is a possibility a resident may or may not have parking availability for their guest and not all residents will be guaranteed a parking space because there will not be a need. He stated the parking ratio is acceptable for this type of development.
- The bus stop is located within 600 feet of the property.

Councilmember Hiller spoke in support of the development as proposed and referenced similar housing complexes located throughout the city that have very little vehicle parking available for tenants.

Councilmember Lesser spoke in support of the overall concept of the project; however, he would not vote in favor of the proposal unless the developer agrees to provide a one to one parking ratio for the housing complex.

Councilmember Valdivia-Alcala stated she concurs with Councilmember Hiller and will support the request as proposed.

Councilmember Kell stated there are many housing units throughout the city that do not offer parking to their tenants. He expressed the importance of the much needed development and believes it will thrive in the community.

Following a brief discussion with the developer, Planning and Development Director Fiander reported the developer would support providing a one to one parking ratio for the development or 65 parking spaces.

Amanda Stanley, City Attorney, reported the ordinance could be amended without being

sent back to the Planning Commission with seven affirmative votes of the Governing Body.

Councilmember Duncan made a substitute motion to amend the ordinance by requiring 65 parking spaces for the housing complex. The motion was seconded by Councilmember Valdivia-Alcala.

Councilmember Dobler offered a friendly amendment to require a one to one parking ratio not to exceed 75 parking spaces.

Councilmember Duncan accepted the friendly amendment. The second concurred.

The substitute motion to amend the ordinance by requiring a one to one parking ratio not to exceed 75 parking spaces carried unanimously on roll call vote. (10-0-0)

The motion to adopt the ordinance as amended carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan, Lesser and Mayor Padilla -10.

RESOLUTION NO. 9324 introduced by Interim City Manager William Cochran, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to rebuild an existing 672 square foot billboard onto an updated monopole structure approximately 40 feet to the west of its current location on property located on the north side of SW 29th Street, approximately 325 feet east of SW Gage Blvd., was presented.

Mayor Padilla stated 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.

There was no ex parte communication declared by Governing Body members.

Councilmember Naeger moved to approve the resolution. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. (10-0-0)

RESOLUTION NO. 9325 introduced by Interim City Manager William E. Cochran, declaring the necessity to repair, alter, reconstruct, enlarge or improve the City's water, water pollution, and/or stormwater utility system through improvement projects authorized by Resolution and providing Notice of Intention authorizing the issuance of revenue bonds in the manner required by K.S.A. 10-1201, et seq., was presented. *(Deferred from the meeting of May 10, 2022)*

Bill Cochran, Interim City Manager, stated the resolution was deferred from the meeting of May 10, 2022.

Joseph Ledbetter distributed a handout that he received from City Staff on February 4, 2022. He expressed concern with the large amount of Utility fund balances, the continued requests by Staff to increase revenue bonds, and the lack of good oversight of the Utilities Department with no attempt to save money for citizens and business owners. He requested to see monthly reports on the City's debt and breakdown of finances by department. He suggested the City create an advisory board to provide oversight of the Utility Department, which he believes would help with the potential problems and disconnect of communication.

Councilmember Duncan thanked Staff for providing the Utility Reserve Fund information he requested from the Governing Body meeting of May 10, 2022. He expressed the importance of the Governing Body having a full understanding of Utility Department financials so they can make informed decisions.

Councilmember Dobler asked Finance Director Wade to explain the increase in revenue debt.

Stephen Wade, Administrative and Financial Services Director, reported the increase in revenue debt was due to the refinancing of State Revolving Fund (SRF) loans at a much lower interest rate.

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

A RESOLUTION introduced by Councilmember Neil Dobler to resume metered parking on certain downtown streets, was presented.

Councilmember Dobler stated when the resolution was last discussed at the January 18, 2022 Governing Body meeting, it was his intent to have an RFP solicited for the parking garages and revisit the parking plan at the close of 3 months; however, more time is needed.

Councilmember Dobler moved to defer the resolution until August 16, 2022. The motion seconded by Councilmember Kell carried unanimously on roll call vote. (10-0-0)

Mayor Padilla announced he would like to call a Special Meeting of the Governing Body on June 4, 2022, at the Cyrus K. Holliday Building from 9:00 a.m. – 11:00 a.m. to discuss and take possible action on the City's Parking Plan.

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

ShaMecha Simms referenced a structure demolition that took place in her neighborhood where no communication was made with the residents by the City prior the demolition. She requested the City help neighborhoods come up with a way to communicate with developers sooner rather than later with the goal of keeping residents informed.

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

Councilmember Lesser announced he would not be available to attend the June 4th Special Meeting of the Governing Body and requested the Mayor consider conducting the meeting on a different date.

Mayor Padilla stated he was open to changing the date of the special meeting to a different date in June. He requested alternate dates been submitted to his office by May 20, 2022, end of business.

Bill Cochran, Interim City Manager, reported on the City's TSC - Get Digital Program where more than 200 computers have been given away. He encouraged those who are over the age of 60 years old to call 785-368-3098 for more information. He announced the Topeka Habitat for Humanity is offering financial assistance to those 55 years old and older with home repairs.

Councilmember Ortiz announced the Topeka Metro Kids Ride Free program would run from May 15 - August 15, 2022. She recognized the 68th Anniversary of the Brown vs. Board of Education Museum and stated she agrees they need to increase community education efforts for the organization. She thanked the Governing Body for allowing her to invite Kobe Hall to provide the invocation and expressed the importance of recognizing young students in the community and the great things they are doing.

Councilmember Emerson commended the City of Topeka Finance team for their service. He thanked the developer of the North Vista Apartments for providing much needed affordable housing in north Topeka and expressed his appreciation to the Planning Department for being innovative and working with developers.

Councilmember Kell recognized National Public Works Week and thanked Public Works

employees for their service. He congratulated local high school graduates. He announced that May is Celiac Disease Awareness Month and commented on the effects of the autoimmune disorder.

Councilmember Naeger expressed her appreciation to City Utility and Public Works employees for their service. She referenced the recent mass shootings in Buffalo, New York at Tops Friendly Market and in Laguna Woods, California, at the Irving Taiwanese Presbyterian Church. She stated some people are being motivated by hate and isolation to carry out horrendous acts and read a portion of Justice Thurgood Marshall's speech when he was awarded the Liberty Medal in 1992.

Councilmember Dobler announced the City of Topeka Public Works and Utilities Departments have been accredited for many years and commended the departments for the services they provide.

Councilmember Duncan commended the Governing Body and Staff for working together on the City of Topeka Changing our Culture of Property Maintenance initiative Mowing Service Pilot Program. He announced on May 20, 2022 at 10:00 a.m. the Policy and Finance committee will discuss the ARPA application process with the intent to finalize the process with the Governing Body by the end of June 2022. He reminded residents to be cautious of students being released for summer break and thanked those teachers planning to retire in 2022 for their years of service.

Councilmember Lesser referenced the recent mass shootings in New York and California and extended his thoughts and prayers to the victims and their families.

Councilmember Hiller stated she would not be available on June 4th for the Special Meeting of the Governing Body and asked the Mayor if he would consider a different date. She

suggested the Governing Body also schedule a special meeting to discuss the City Hall/TPAC HVAC Renovation Project. She announced the Topeka Dreams Neighborhood Improvement Initiatives Program (NIIP) 2023 Informational Workshop would be held on May 18, 2022 at the Cyrus K. Holliday Building from 6:00 p.m. – 8:00 p.m. and provided an overview of each phase of the DREAMS programs. She stated the first phase of Changing the Culture of Property Maintenance includes developing a Mowing Pilot Program. She announced on May 19, 2022 the City's Contracts and Procurement Department will host a pre-proposal meeting at 10:00 a.m. for those seeking services that would like to partner with local mowing services to participate in the pilot program. She announced the new USS Naval ship, named in honor of Topekan Frank E. Peterson, Jr., who was the first African-American Marine Corps aviator and general, was commissioned in South Carolina on May 14, 2022. She reported Mayor Padilla sent a proclamation and she sent a Kansas Coin that will travel with the USS Naval ship.

Councilmember Valdivia-Alcala commented on the Changing the Culture of Property Maintenance initiative 2022 Mowing Service Pilot Program and encouraged citizens to take pride in the community and participate in the program. She referenced the recent mass shootings in New York and California and offered prayers to those who lost their lives, the families and the troubled individual that performed such horrific violence.

Mayor Padilla stated he agrees with Councilmember Ortiz and believes our youth is the future and if they want to see change they have to keep this in mind. He suggested they take every opportunity to applaud and get excited about what young people are accomplishing. He announced on May 14, 2022 the 8th Grade Class at French Middle School located at 5257 SW 33rd Street would host the Save Our City Rally from 3:00 p.m. – 4:00 p.m. He encouraged those available to attend as it is an amazing experience.

Councilmember Dobler moved to recess into executive session for a period of time not to exceed 30 minutes for consultation with the city attorney to discuss attorney-client privileged matters regarding specific legal advice– as justified by K.S.A. 75-4319(b)(2). To aid in the discussion, the following individuals were present: Members of the Governing Body; Interim City Manager, William Cochran; and City Attorney Amanda Stanley. 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”. (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 8:55 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

Brenda Younger


From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, May 17, 2022 10:14 AM
To: City Clerk; Michael Lesser; Tony Emerson; Neil Dobler; Neil Dobler; City Council; Mayor
Subject: Storm Water proposed revisions in oversight by the Council / Board

Gentlemen: I am opposed to changing the storm water projects from \$100,000 to \$300,000. I can think of no Good reason to have less scrutiny by the Board.

Sent from my iPhone

Kelly L. Bogner

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, May 17, 2022 5:40 PM
To: City Clerk; City Council; Spencer Duncan; Sylvia Ortiz; Tony Emerson; Neil Dobler; Michael Lesser
Subject: Fwd: Balances Ref Water

 **This message could be suspicious**

- The sender's email address couldn't be verified.
- You've never replied to this person.

Powered by Mimecast

Please add to my testimony for tonight ref. Revenue bonds, Opposed
Joseph Ledbetter jd,mpa

----- Forwarded message -----
From: **Stephen M. Wade** <swade@topeka.org>
Date: Fri, Feb 4, 2022 at 1:53 PM
Subject: RE: Balances Ref Water
To: Joseph Ledbetter <joe@josephledbetter.com>

621	Water	\$ 71,651,257.31
623	Stormwater	\$ 44,146,174.73
625	Waste Water	\$ 124,275,321.58

Prelim balances 12/31/2021

Steve

Stephen Wade

Director of Administrative and Financial Services

City of Topeka

785.250.9724

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Friday, February 4, 2022 1:24 PM

To: Stephen M. Wade <swade@topeka.org>

Subject: Balances Ref Water

I don't need this today. Tues works if you can. Thanks Joseph Ledbetter

Kelly L. Bogner

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, May 17, 2022 7:32 PM
To: City Clerk; Michael Lesser; Tony Emerson; Sylvia Ortiz; Spencer Duncan; City Council
Subject: Comments Rev Bond issue

We are now currently \$313 Millions in revenue bond debt, as of 12/31/2021. Source Finance Dept today spoken to me - Joseph Ledbetter I am opposed at this time to item 6.E. Additionally last week I said we are headed towards \$500 millions in debt from Rev Bonds in several years. The City memo sent out today shows close to that. I am particularly opposed to bonding \$6.7 million for waterlines listed under projects when we were told in the last rate increase of a whopping 7.5 percent for each of 3 years would pay for 6 new miles per year of waterlines. That item'project should be removed and payed for with cash. That six mile replacement goal has never been met. Additionally , however it is explained away, the reserve numbers I have put into the record tonight are from the City and shows \$240 million - their document. We truely need monthly reports on ALL debts owed and the debt type of debt given to the council Mayor and the public. Additionally I would like to discuss at a future date an Advisory board for Utilities of public members that are topeka utility rate payers and appointed by the Governing body. I think we need more oversight of utilities which has a nearly \$100 million dollar budget.

Sent from my iPhone