

Governing Body Minutes – June 7, 2022

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, June 7, 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 Duncan -4; and Councilmembers Emerson, Naeger and Lesser participated remotely -3. Mayor Padilla presided -1. Absent: Councilmembers Valdivia-Alcala and Ortiz -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 June 7, 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 June 7, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Mike Siebert, Grace Bible Church Elder, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Carmen Romero-Nichols to the Topeka Human Relations Commission to fill an expired term ending June 7, 2024, was presented. (*Council District No. 4*)

Councilmember Emerson moved to approve the board appointment. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. Mayor does not vote. (7-0-0)

PRESENTATION on the 2022 City of Topeka Employee Survey was presented by Ryan Murray, ETC Institute Assistant Director of Customer Research.

Councilmember Kell asked if department directors would be apprised of the results and referenced the 50% employee participation rate of the survey and questioned what the City could do to increase participation to at least 75% of the employees. He reported his employer also conducts these types of surveys and allow supervisors to provide feedback to their employees which can be helpful. He suggested the City follow the same procedure.

Mr. Murray reported 50% is a great participation rate for 1,200 employees; however, in order to boost response, employees need to see the City acting on results from the original survey as part of the next steps in the process. He noted employee incentives also may increase survey participation.

Bill Cochran, Interim City Manager, reported he has shared the results with department directors and they were asked to provide input and feedback so the City can begin working on the areas of concern listed. He stated in reference to low participation in certain departments, the City has a high number of new employees at this time which they believe had an impact on overall employee participation.

PRESENTATION on the American Medical Response (AMR) Update was presented by Jon Antrim, AMR Regional Director.

Mayor Padilla referenced the Emergency Medical Dispatching (EMD) process and the use of the LOGIS CAD system, an auto-dispatching mechanism. He asked if other emergency personnel such as police and fire have access to the consolidated dispatch center so they can contact AMR when necessary.

Councilmember Dobler inquired on the 911 emergency call workflow when received by the Shawnee County Dispatch Center.

Councilmember Naeger thanked Mr. Antrim for the informative presentation.

Councilmember Hiller thanked Mr. Antrim for the presentation and commended AMR for being innovative. She referenced telehealth services being provided by AMR and asked if this replaces the need for the Topeka Fire Department to respond to low priority calls.

In response, Mr. Antrim reported the following:

- AMR has emergency operations channels and emergency radios they can use to communicate with emergency personnel at any time when needed.
- AMR has two employees located within the Shawnee County Emergency Dispatch Center 24 hours, 7 days a week. Previously 911 emergency calls were received by a Shawnee County dispatch employee; however, now with the anticipation of moving forward with the Nurse Navigation system, the call is evaluated and dispatched accordingly.
- The use of telehealth services will change the basics of the system and better utilize resources. He reported when emergency calls reach “low acuity” status it would eliminate the need to dispatch the Topeka Fire Department for response, leaving emergency resources available for “high acuity” emergency calls.

CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20355 introduced by Interim City Manager William E. Cochran, allowing and approving City expenditures for the period March 26, 2022 to April 29, 2022 and enumerating said expenditures therein, was presented.

RESOLUTION NO. 9326 introduced by Councilmember Sylvia Ortiz, granting Fellowship Hi-Crest 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*)

APPROVAL of CONTRACT NO. 50407 for a professional services contract under the Human Resource Department for Legal Services related to workers compensation litigated claims between the City of Topeka and McAnany, Van Cleave and Phillips, P.A., to perform various legal services necessary to represent the City and handle all of the litigated workers compensation claims, was presented.

APPROVAL of CONTRACT NO. 50409 for Utilities contract for Engineering Design Services between the City of Topeka and Professional Engineering Consultants, P.A. (PEC) to aid

the City with engineering design and construction phase services for a water main replacement project T-281245.03 along SW Arvon Place, SW Woodglen Street, and SW 38 Place, was presented.

MINUTES of the regular meeting of May 17, 2022; and the special meeting of May 31, 2022, were presented.

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

<u>Business Name</u>	<u>Address</u>
Dillons #47	2815 SW 29 th Street
Dillons #54	800 NW 25 th Street
Dillons #67	2010 SE 29 th Street
Dillons #87	5311 SW 22 nd Place
Dillons #88	4015 SW 10 th Avenue
East Quick Stop	3100 SE 6 th Avenue
Family Dollar #31855	1313 SW 21 st Street
Herman's Beef & Sausage House	823 NW Gordon Street
Mi Pueblito Meat Market	621 SE Swygart Street
Odin's Lair	921 N Kansas Avenue
Sam's Club #8176	1401 SW Wanamaker Road
Seabrook Apple Market	1945 SW Gage Boulevard
Tilton's Oakland Market	1905 NE Seward Avenue
Walmart #1802	1501 SW Wanamaker Road
Walmart #2131	1301 SW 37 th Street
Walmart #5441	2600 NW Rochester Road
Walmart #6392	2630 SE California Avenue
Walmart #6585	335 SW MacVicar Avenue

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

PUBLIC HEARING

For the purpose of considering written or oral objections to the proposed assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being sanitary sewer improvement for Horseshoe Bend Subdivision No. 5, authorized by Resolution of Advisability and Authorization No. 9251, adopted and approved August 17, 2021, was presented.

ORDINANCE NO. 20356 introduced by Interim City Manager Williams E. Cochran,

apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, in the area of Horseshoe Bend Subdivision No. 5 for Sanitary Sewer Improvement Project No. 401082.00, as defined and described in Resolution No. 9251, adopted and approved on August 17, 2021, was presented.

Bill Cochran, Interim City Manager, reported the next four items on the agenda will impose special assessments in various subdivisions located in city limits for street and sanitary sewer improvements to be paid 100% by the Improvement District.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak to the matter.

Upon no one appearing, the public hearing was closed.

Councilmember Dobler moved to adopt the ordinance. The motion seconded by Councilmember Kell carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Emerson, Kell, Naeger, Dobler, Duncan, Lesser and Mayor Padilla. -8

PUBLIC HEARING

For the purpose of considering written or oral objections to the proposed assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being street improvement for Horseshoe Bend Subdivision No. 5, authorized by Resolution of Advisability and Authorization No. 9159, adopted and approved January 21, 2020, was presented.

ORDINANCE NO. 20357 introduced by Interim City Manager William E. Cochran, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, in the area of Horseshoe Bend Subdivision No. 5 for Street Improvement Project No. 601117.00, as defined and described in Resolution No.9159, adopted and approved on January 21, 2020, was presented.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak to the matter.

Upon no one appearing, the public hearing was closed.

Councilmember Naeger moved to adopt the ordinance. The motion seconded by Councilmember Emerson carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Emerson, Kell, Naeger, Dobler, Duncan, Lesser and Mayor Padilla. -8

PUBLIC HEARING

For the purpose of considering written or oral objections to the proposed assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being street improvement for Sherwood Village Subdivision, authorized by Resolution of Advisability and Authorization No. 9157, adopted and approved January 21, 2020, was presented.

ORDINANCE NO. 20358 introduced by Interim City Manager William E. Cochran, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Street Improvement Project No. 601113.00 to provide street improvements for Sherwood Village Subdivision, adopted and approved on January 21, 2020, was presented.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak to the matter.

Upon no one appearing, the public hearing was closed.

Councilmember Naeger moved to adopt the ordinance. The motion seconded by Councilmember Kell carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Emerson, Kell, Naeger, Dobler, Duncan, Lesser and Mayor Padilla. -8

PUBLIC HEARING

For the purpose of considering written or oral objections to the proposed assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being street improvement for Misty Harbor Estates No. 5, authorized by Resolution of Advisability and Authorization No. 9212, adopted and approved February 16, 2021, was presented.

ORDINANCE NO. 20359 introduced by Interim City Manager William E. Cochran, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, in the area of Misty Harbor Estates No. 5 for Street Improvement Project No. 601123.00, as defined and described in Resolution No. 9212, adopted and approved on February 16, 2021, was presented.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak to the matter.

Upon no one appearing, the public hearing was closed.

Councilmember Naeger moved to adopt the ordinance. The motion seconded by Councilmember Emerson carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Emerson, Kell, Naeger, Dobler, Duncan, Lesser and Mayor Padilla. -8

PUBLIC HEARING

For the purpose of obtaining citizen input on the City of Topeka's draft amendment to the 2021-2025 Consolidated Action Plan and 2021 Annual Consolidated Action Plan, was presented.

Bill Cochran, Interim City Manager, reported the item was discussed at the May 3, 2022, Governing Body meeting and Staff was present for questions. He stated approval of the amendment is scheduled for consideration by the Governing Body on June 14, 2022.

Mayor Padilla opened the public hearing and asked if there was anyone present who would

like to speak to the matter.

Upon no one appearing, the public hearing was closed.

RESOLUTION NO. 9327 introduced by Councilmembers Tony Emerson, Neil Dobler and Mike Lesser serving as the Public Infrastructure Committee amending the City of Topeka Local Stormwater Improvement Project policy, was presented.

Bill Cochran, Interim City Manager, reported the Public Infrastructure Committee in conjunction with the Public Works Department and Utilities Director are recommending the changes to improve the policy and provide better services to citizens.

Councilmember Hiller asked what types of projects will the change in policy be used for and what was the reason the project cap was increased from \$100,000 to \$300,000.

Braxton Copley, Interim Public Works Director, reported Resolution No. 6833, approved November 25, 1997, established a “Local Stormwater Improvement Program” referred to as the Drainage Correction Program in the CIP. He stated Staff created a program to assist citizens with drainage problems that were either directly related to an issue with a public drainage facility, or adversely impacted at least three property owners, with the only feasible solution being construction of a public stormwater facility. He reported the project funding limit was increased so funds would realistically cover the cost of construction as the limit has not been adjusted since 1999. He stated the increase to the funding limit and adjusting the parcels requirement from at least 3 to at least 2, allows the City to maximize the benefit they provide to citizens through the program.

Councilmember Dobler referenced the overall stormwater fee paid by residents and large project developers. He commended Staff for requesting adjustments be made to an existing program that will be an easy and relatable solution for residents to take care of problems fast as

well as it will be a great way to utilize Stormwater Utility funds.

Councilmember Lesser commended Staff for requesting to increase the project funding limit allowing the program to be better utilized and noted the program was recently used to help solve flooding issues for several residents in District 9.

Councilmember Emerson stated he concurs with statements made by Councilmember Dobler and Councilmember Lesser and supports the change in policy; however, he would abstain from voting on the resolution to avoid any potential conflicts of interest as a local business owner.

Councilmember Kell moved to approve the resolution. The motion seconded by Councilmember Dobler carried on roll call vote. Councilmember Emerson abstained. (7-0-1)

DISCUSSION regarding the Committee Report from the Policy and Finance Committee meeting to review various application styles for use in social service requests for ARPA dollars, was presented.

Russell Burton commended the Committee and Governing Body for their work on the ARPA funding process.

Councilmember Duncan reported he would provide an overview of the proposed application, guidelines and process timeline. He stated the Committee tried to capture the intentions of the Governing Body in terms of where the ARPA funds should be applied and who should be applying for funds. He highlighted the following additional suggested changes to the City of Topeka ARPA Funds Grant Application:

- Page 1, Section I. Organization Information: Delete the “UEI (Unique Entity Identifier)” as well as the “Number of Employees (According to most recent IRS Form 941)” from the application. He stated these two items could unintentionally confuse groups that do not have to file this type of paperwork and noted the Committee could still get the information without these items being included as part of the application.
- Page 1, Section III. Statement of Need: Change the title to “Section III. Summaries”

- Page 1, Section III. Statement of Need: It has been recommended to break down the statement, “Please explain what the grant funds will be used for?” into the following separate questions because this statement is basically repeated on page 2 of the application:
 1. “Name the program from which you are applying?” This would allow the applicant to put a name to what they are discussing *i.e.* provide an identifier; and
 2. “Describe your organization, its programs and how this program fits in?” Giving them more background information without requiring a lot of documentation as it relates to how they plan to utilize this program and use it within their existing program.
- Page 1, Section III. Statement of Need: Amend the language to state, “Please describe how receiving these funds will provide long-term benefits for the citizens of the community and how the program will be sustained after the grant is awarded: He stated this language amendment supports the intent of the Governing Body to ensure ARPA funds are being used to enhance a program in the long-term for the best return on investment for the community.
- Page 2, Section III. Statement of Need: Add the question, “How do you see the future of your organization and its program post-pandemic?” He stated this would give the Governing Body insight on the stability of the program.
- Page 2, Section IV. General Data: Amend the language to state, “Please provide a detailed explanation ~~overview~~ of the proposed program.”
- Page 2, Section IV. General Data: Add the question, “Please describe what other funds are available, and what you have secured, or expect to secure for this project?” He stated the intent of the question is not to disqualify an applicant, but instead, provide the necessary information to the Governing Body to help them better understand how organizations can sustain their programs.

Councilmember Duncan noted there was one additional change suggested on page 1,

Section I. Organization Information, as it relates to organizational assistance with Rental

Assistance, Unsheltered Homeless, Transitory Populations and Sheltered Homeless, *etc.* He stated this question may not be needed; however, there was a very lengthy conversation at the Committee level about this specific question. He reported for Committee members, it was an opportunity for them to gather data on a serious issue that is facing the city at this time. He stated it would be his preference to keep this question on the application.

Councilmember Lesser suggested the question, “Please explain the capital infrastructure needs of the organization as well as any current capital projects and the amount of project debt as it relates to the program?” be added to Section III. Statement of Need. He stated the intent of the

question is to help the Governing Body evaluate if the funds could be used for capital outlay projects that would in-turn free up cash for organizations to use on existing projects or programs verses using the funds for startup projects. He is seeking long-term funding advantages.

Councilmember Duncan spoke in support of adding the question as it would support the longevity of programs.

Councilmember Kell commended the Committee for including questions in the application that would identify all funding sources available to applicants.

Councilmember Hiller states she appreciates the flexibility of the application as it relates to who can apply as well as the type of programs and/or organizations that can be funded seem to make sense. She spoke in support of the suggested changes; however, questioned if 3,000 characters per answer would be too time consuming as it relates to review of applications. She reported United Way applications only require 1,000 character answers.

Councilmember Duncan stated he would consider reducing the amount of characters required.

Councilmember Naeger thanked fellow Committee members for the work on the application and suggested guidelines. She expressed the importance of creating a process that amplifies the use of ARPA dollars in the community.

Upon hearing no objections to the proposed application revisions, Councilmember Duncan stated he would work with Staff to make the changes and present the revised application to the Governing Body for consideration on June 14, 2022.

Councilmember Duncan provided a brief overview of guidelines and highlighted the proposed timeline. He stated the timeline remains flexible as they move through the process and they are working with Staff to create a FAQ document that can be referenced. He stated it is the

assumption that the Policy and Finance Committee will vet applications; however, all members of the Governing Body are welcome to participate in the review process. He reported the goal of the Committee is to present final recommendations to the Governing Body by October 2022.

Councilmember Kell asked if it was the intent of the Committee to only allow the funds to be utilized within Shawnee County.

Councilmember Duncan confirmed it was the intent of the Committee to make sure the organization has a presence in the community and the Governing Body would make the decision whether or not to fund organizations.

Councilmember Hiller asked if the funds could be used for debt service and if the requirement of “primary” location should be removed from the application to avoid confusion.

Stephen Wade, Administrative and Financial Services Director, reported ARPA funds are prohibited from being used for debt service.

Mayor Padilla commended Committee members and Staff for their thorough work on the process. He stated he believes the June 23, 2022 webinar being conducted to provide information on the process will be a great tool for applicants to utilize.

Councilmember Duncan commended Kalea Pauole, Senior Grants Program Administrator, for her assistance as she was vital to the success of the end product.

PUBLIC COMMENT was provided by the following individuals:

Sara Riley and Maria Munoz, French Middle School students, provided ideas on how to create and fund entertainment venues for teenagers and young adults.

Becca Spielman, YMWCA NE Kansas Center for Safety and Empowerment, highlighted statistics related to intimate partner violence and how it relates to homelessness. She requested the Governing Body approve the allocation of HOME-ARP Implementation Plan funds on June 14,

2022, to assist with the purchase of much needed emergency shelter beds for these victims.

LaTasha Jackson expressed her disappointment with the lack of resources for the unsheltered and homeless population. She stated she has been denied resources on multiple occasions with many local housing organizations, battered women taskforce, Topeka Unified School District 501 as well as Valeo Behavioral Health Care. She also stated the Topeka Police Department has mistreated her on many occasions. She requested the Governing Body provide her guidance on how to receive assistance.

Michelle Reeves encouraged the City to continue with the housing vouchers initiative and discussed the positive effect it had on her life.

Russell Burton distributed a handout. He spoke to the rights of the homeless and unsheltered population. He stated he believes the City has violated their civil rights along with City policy and believes the means used to remove “Tent City” along the Kansas River was brutal and inhumane.

Dianna Bloom asked the City to provide water, trash bags and portable restrooms to the homeless and unsheltered population of “Tent City” along the Kansas River.

Kenneth Saffer expressed his anger with the City for the removal of his belongings and the condition the homeless site “Tent City” was left in.

Crystal Shepherd stated she lives in “Tent City” by choice and those that live in the area are recognized as “river residents.” She expressed her concern with the lack of regard by the Topeka Police Department and the need to properly care and dispose of property. She requested proper communication from the City when there are issues that develop or ordinances that may affect the homeless population.

ANNOUNCEMENTS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE

Brenda Younger, City Clerk, provided an overview of the June 14, 2022, Governing Body Meeting agenda.

Bill Cochran, Interim City Manager, announced the Juneteenth Parade and Tap That Topeka community event that will be held on June 11, 2022. He referenced the recent City of Topeka Public Safety Service Announcement regarding the upcoming 4th of July Holiday. He encouraged residents to remain informed about fireworks safety.

Councilmember Naeger cited a poem written by Amanda Foreman titled “Everything Hurts.” She asked everyone to reflect on the recent active shooter events across the nation and the loved ones lost.

Councilmember Kell thanked the French Middle School students for expressing their ideas to the Governing Body. He expressed his fear as it relates to lack of regulations of gun ownership and stated as a society they need to make schools safe for students and staff.

Councilmember Dobler referenced the many serious needs in the community as it relates to mental health and announced the mental health aspect would be his priority when reviewing ARPA funding applications.

Councilmember Duncan announced June 17, 2022 at 12:00 p.m. is the candidate filing deadline for the Kansas House of Representatives. He encouraged everyone to register to vote.

Councilmember Hiller stated she is a Topeka United member and announced The Mosaic Partner Pairs program now has 62 members. She stated the June 11, 2022, Kaw River Float event has been postponed until July 23, 2022. She announced upcoming Juneteenth events. She encouraged Governing Body members, Staff and citizens to attend the upcoming Changing our Culture of Property Maintenance input sessions and commented on the Mowing Service Pilot Program. She encouraged Governing Body members to provide comments on the Police &

Community Summary of Recommendations released by the Special Committee on June 3, 2022.

Mayor Padilla commended the Topeka Fire Department for the Topeka Fire Camp Courage initiative and how it empowers females. He stated he concurs with comments made about gun violence and the need for change and this can happen by voting; people have to be the change.

Councilmember Kell moved to recess into executive session for a period of time not to exceed 25 minutes for consultation with the city attorney to discuss attorney-client privileged matters regarding specific legal advice regarding a contract and associated liability issues– 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 Naeger.

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. (8-0-0)

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

Councilmember Dobler moved to recess into executive session for a period of time not to exceed 25 minutes to discuss employer/employee negotiations relating to healthcare negotiations 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 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. (8-0-0)

Following a 25-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 9:15 p.m.

(SEAL)

Brenda Younger
City Clerk