

Governing Body Minutes – September 13, 2022

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, September 13, 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, Naeger, Dobler and Duncan -5; and Councilmembers Valdivia-Alcala and Lesser participated remotely -2. Mayor Padilla presided -1. Absent: Councilmember Ortiz -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 September 13, 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 September 13, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Shampyne Lloyd, Topeka Police Department Chaplin, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Pamela James to the Topeka Human Relations Commission to fill an expired term ending September 13, 2024, was presented. (*Council District No. 7*)

BOARD APPOINTMENT recommending the appointment of William Naeger to the Topeka Planning Commission for a term ending September 30, 2023, was presented. (*Council District No. 1*)

BOARD APPOINTMENT recommending the appointment of Jeffrey Preisner to the Topeka Planning Commission for a term ending September 30, 2025, was presented. (*Council District No. 7*)

ADVISORY COUNCIL APPOINTMENT of Michael Byington to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending September 13, 2024, was presented.

(Council District No. 1)

BOARD APPOINTMENT recommending the appointment of Candis Meerpohl to the Topeka Metropolitan Transit Authority for a term ending September 13, 2026, was presented. *(Council District 1)*

Councilmember Dobler moved to approve the appointments. The motion seconded by Councilmember Kell carried unanimously on roll call vote. Councilmember Naeger abstained. Mayor Padilla did not vote. (7-0-1)

PRESENTATION on the City of Topeka Uptowner Parking Garage was provided by Bill Naeger, Bartlett & West Engineers Senior Project Manager.

Councilmember Ortiz joined the meeting remotely.

Councilmember Kell asked if the ADA upgrades would be considered mandatory improvements prior to making a decision on the parking garage.

Councilmember Duncan asked if bathroom areas are a routine feature of parking garages and if not, should they consider removing those areas to reduce improvement and maintenance costs. He also asked if the proposed improvements would extend the life of the parking garage or would it have to be demolished in approximately 30 years.

Councilmember Lesser asked if adequate lighting would be considered a life safety issue.

Mr. Neager reported ADA compliance may trigger some required improvements; restroom facilities are not required in City code; and inadequate lighting could be considered a life safety issue as it could create potential danger for customers. He stated if regular inspections are conducted, followed by immediate repairs, it would expand the life of the garage.

RESOLUTION NO. 9358 introduced by Councilmember Sylvia Ortiz, granting Topeka Housing Authority 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*)

ORDINANCE NO. 20372 introduced by Interim City Manager William E. Cochran, allowing and approving City expenditures for the period July 30, 2022 to August 26, 2022 and enumerating said expenditures therein, was presented.

MINUTES of the special meeting of August 30, 2022, was presented.

APPROVAL of the following cereal malt beverage license applications were presented.

<u>Business Name</u>	<u>Address</u>
Family Dollar	501 SE 21 st Street
SQRL 1003	2901 SE Fremont Street
SQRL 1006	3834 SW Topeka Boulevard

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

PUBLIC HEARING

PUBLIC HEARING to consider the establishment of the South Topeka Redevelopment District pursuant to K.S.A. 12-1770 *et. seq.*

Bill Cochran, Interim City Manager, stated a developer is interested in improving the area of the former White Lakes Mall and is requesting to establish an improvement district.

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

Curtis Sneden, Greater Topeka Partnership Senior Vice President of Government Affairs, provided an overview of the South Topeka Redevelopment District including the proposed boundaries of the district and the objective. He clarified the District boundary would not include any residential properties of surrounding neighborhoods which includes the Likins Foster Neighborhood. He noted the legal description should be finalized in a couple weeks at which time the Governing Body will consider the ordinance to establish the District. He introduced Ashley Gillfeld, Greater Topeka Partnership Research Project Manager, who will help the development

within the District thrive.

Councilmember Hiller inquired on the vision of the Topeka Chamber of Commerce as it relates to tax increment financing and how many property owners plan to be involved in the incentive. She expressed concern with how properties that are eligible for the Neighborhood Revitalization Program (NRP) would be effected by the Tax Increment Financing (TIF) District.

Mr. Sneden stated the vision includes multiple tiers with anticipated immediate development for the area of the former White Lakes Mall and Bel Air Shopping Center. He noted property owners to the south of the District have also expressed interest in making improvements or developing properties. In terms of how tax increment financing is used, as developments are put into place the value of properties can expect to increase and the new incremental funds that are generated over the initial base tax rate will be made available for developers. He reported that he was not aware of any properties that have not been accounted for either in the NRP or the TIF District and noted if there were properties that want to be removed from the TIF District they could do so.

Interim City Manager Cochran confirmed most of the properties have been accounted for and what would be considered the Bel Air properties, and the properties that run south to Gwendolyn Brooks Park, is owned by the same individual who is in the process of purchasing the White Lakes Mall property. He reported the District was being considered because Mainline Printing has already received JEDO funds which provides them a benefit; all litigation has been settled in regards to the White Lakes Mall property as well as the developer has received incentives from the City.

Councilmember Duncan questioned why the Mainline Printing Company was included in the incentive district when they were already receiving an incentive through JEDO funds.

Interim City Manager Cochran reported the Mainline Printing Company also owns the

parcel where the former Richman Gordman store was located.

Councilmember Dobler commented on the phases of a TIF District. He spoke in support of parcels benefiting from the improvements they make, a factor he believes should be germane to future development discussions and agreements.

Shirley Stallons, resident of 904 SW 37th Street, expressed concern with the City taking their property for the purpose of establishing the district.

Interim City Manager Cochran stated it was never the intent of the City or the developer to enforce eminent domain on any of the residential properties for the purpose of establishing the district.

Councilmember Valdivia-Alcala encouraged Staff to be mindful of the information being distributed to residents and citizens specifically the elderly to avoid confusion and fear.

Upon no one else appearing, Mayor Padilla announced the public hearing was closed.

Councilmember Kell spoke in support of establishing the district and stated he looks forward to new development in the area.

Councilmember Duncan spoke in support of the district. He asked developers to be prepared to request only what was needed as in relates to incentives from the City, and noted, he would not support approving multiple layers of incentives for developers.

Interim City Manager Cochran stated they anticipate the ordinance will be considered by the Governing Body on October 4, 2022, which includes the legal description and/or survey of property boundary lines of the district.

Councilmember Ortiz encouraged Staff to consider conducting neighborhood information meetings in the future to help residents better understand benefit districts.

Councilmember Dobler stated he concurs with Councilmember Ortiz and believes the additional information would help divert confusion of residents.

ORDINANCE No. 20373 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 SW 20th Park east of SW Ashworth Place from “R-1” Single-Family Dwelling District to “C-4” Commercial District, was presented. (Z22/05) (Council District No. 9)

Bill Cochran, Interim City Manager, stated the request better conforms to the surrounding commercial properties in the area and the Planning Commission unanimously recommended approval.

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.

No ex parte communication was declared by Governing Body members.

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

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

ORDINANCE NO. 20374 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 on property located at 2631 SW

Buchanan from “R-1” Single-Family Residential District to “PUD/R-1” Single-family Residential uses on approximately 0.19 acres, was presented. (*PUD 22/04*) (*Council District No. 3*)

Bill Cochran, Interim City Manager, stated the request allows a former commercial garage building to be used for personal use and the Planning Commission unanimously recommended approval.

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 matte

No ex parte communication was declared by Governing Body members.

Councilmember Lesser stated he would abstain from voting because the applicants were close family friends.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Naeger carried. Councilmember Lesser abstained. (9-0-1)

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

ORDINANCE NO. 20375 introduced by Interim City Manager William E. Cochran, adopting the 2022 Standard Traffic Ordinance (STO) and local amendments thereto, amending TMC 10.15.010 and TMC 10.15.020, was presented.

Bill Cochran, Interim City Manager, reported the ordinance was discussed at the September

6, 2022, Governing Body meeting.

Councilmember Dobler moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. The Mayor did not vote. (*The proposed ordinance involved a matter of home rule on which the Mayor has veto authority.*) (9-0-0)

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

ORDINANCE NO. 20376 introduced by Interim City Manager William E. Cochran, adopting the 2022 Uniform Public Offense Code (UPOC) and local amendments thereto, amending TMC 9.05.080, was presented.

Bill Cochran, Interim City Manager, reported the ordinance was discussed at the September 6, 2022, Governing Body meeting.

Councilmember Naeger moved to adopt the ordinance. The motion seconded by Councilmember Kell carried unanimously. The Mayor did not vote. (*The proposed ordinance involved a matter of home rule on which the Mayor has veto authority.*) (9-0-0)

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

A RESOLUTION introduced by the members of the Public Infrastructure Committee comprised of Council Members Tony Emerson, Neil Dobler and Mike Lesser authorizing certain life safety upgrades to the Uptowner Garage was presented.

Bill Cochran, Interim City Manager, referenced the Uptowner Garage presentation provided by Bartlett & West at the beginning of the meeting detailing much needed improvements to the parking garage.

Joseph Ledbetter spoke in support of making improvements to the garage and the possibility of selling some of the City parking garages in the near future to avoid further debt.

Councilmember Emerson inquired on the results of the Request For Proposal (RFPs) to manage or purchase the parking garages.

Jason Tryon, Division Director of Business Services, stated the City did not receive any offers to purchase the garages from the bids received; however, a total of six RFPs were received in regards to third-party management of the garages. He noted the bids included extensive information to be reviewed by Staff that would have to be summarized before the information could be distributed to the Governing Body.

Interim City Manager Cochran requested the Governing Body allow adequate time to compile the information.

Councilmember Emerson moved to defer the resolution until October 11, 2022. The motion was seconded by Councilmember Ortiz

Councilmember Dobler spoke in support of moving forward with a decision about the parking garage. He believes there are three options to consider: (1) improve and/or lease the garage with an approximate budget not to exceed \$5 million (2) demolish the building at a cost of \$2.5 million or (3) sale the parking garage to a private owner prior to making improvements. He noted deferral seems like the most appropriate option at this time until they have adequate information to make an informed decision.

Councilmember Duncan stated he would support the motion to defer because Committee members are making the suggestion; however, he would also support starting the process to address the immediate needs of the parking garage no matter the end result.

Councilmember Hiller stated she concurs with Councilmember Duncan; however, they need to consider the parking system as a whole before making a decision on any of the parking garages. She asked if life safety issues are effecting the amount of people leasing the garage.

Interim City Manager Cochran stated the longer improvements are delayed the higher the risk; however, if there is a plan in place they should be ready to move forward with addressing the issues and providing assurance to customers.

The motion to defer the resolution until October 11, 2022, carried unanimously on roll call vote. (10-0-0)

APPROPRIATION ORDINANCE NO. 20377 introduced by Interim City Manager William E. Cochran, approving and adopting the operating budget of the City of Topeka, for year 2023, and appropriating the amounts for the purpose as set forth therein, was presented.

Bill Cochran, Interim City Manager, reported Staff is requesting approval of the budget as presented.

Councilmember Naeger moved to adopt the ordinance. The motion was seconded by Councilmember Hiller.

Councilmember Hiller expressed her appreciation to Staff for their work on the budget and noted she would not have any proposals to change the budget; however, she would like to distribute a statement (Attachment A) related to her concerns and what she has heard from constituents. It was proposed, the funds for a new standalone Diversity Equity Inclusion (DEI) position would be better spent for salaries or otherwise to ensure diversity in the existing departments, both at the frontline and management levels; and all care should be taken to identify qualifications and roles, so that the position fully aids and corresponds to the DEI workforce priority set by the Governing Body.

Councilmember Duncan thanked Staff for their work and collaboration on the budget. He stated the budget accomplished three important factors including laying the foundation for outcome based budgeting in future years, well deserved salary increases for non-union employees, and a decrease in the mill levy.

Councilmember Dobler congratulated Staff on a well presented budget and allowing the time for the Governing Body to contemplate budget details. He stated it feels good to approve a solid budget that includes a one mill decrease while providing for much needed employee salary increases and maintaining City services.

Councilmember Ortiz thanked Staff for presenting a solid budget and allowing constituents to be involved in the process.

Mayor Padilla expressed his appreciation to Staff for their work on the budget and for consistently making improvements to the budget process each year. He referenced Councilmember Hiller's comments, and clarified the intent of the DEI position and noted it will work if the position is embraced by all.

Councilmember Valdivia-Alcala referenced the DEI position and expressed here hope that the Governing Body as a whole will make the commitment to deal with racism as a public health crisis as well as other serious related issues such as affordable housing and the living wage as it relates to City employee salaries. She thanked everyone for all the work that went into the budget and how accessible it was by allowing questions and concerns to be addressed and providing answers as needed.

Councilmember Naeger expressed the importance of having a point person for the DEI position and noted that person can only perform their job effectively if they have the full support of Staff and the Governing Body.

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

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

DISCUSSION of funding recommendations by the Alcohol and Drug Abuse Advisory Council in the amount of \$590,000 for the 2023 Special Alcohol Fund was presented.

Don Crowder, Topeka & Shawnee County Alcohol and Drug Abuse Advisory Council Chair, provided an overview of the 2023 application process and recommendations.

Councilmember Duncan asked how any additional funding that may be received would be distributed.

Mr. Crowder stated the funding would be pro-rated and disbursed to applicants according to the scoring procedure.

Councilmember Dobler expressed his appreciation to volunteers for their service on the Advisory Council.

PUBLIC COMMENT was provided by the following individuals:

Dr. Russell Burton, expressed his support of the Letter of Demand that would be distributed from individuals of the Tent City Encampment (TCE) to the Governing Body. He acknowledged and commended the City for their adoption of outstanding evidence based policies and programs impacting the homeless including Housing First with the Shelter Plus Care Program that includes the framework of the Built for Zero initiative; the Impact Avenues Program; and MAPP a Model Approach to Partnerships in Parenting.

Daniel “Hillbilly” Walter distributed a Letter of Demand from individuals of the Tent City Encampment (TCE). He expressed his disappointment with the City not doing what they said they would do with his personal property. He asked the Governing Body for help in resolving the issue.

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

Amanda Stanley, City Attorney, provided an overview of the September 20, 2022, Governing Body meeting agenda.

Bill Cochran, Interim City Manager, announced the Shawnee County Legislative Candidate Forum on October 4, 2022, at the Topeka & Shawnee County Public Library at 7:00 p.m. He also

announced there was an opening for the Deputy City Clerk position; and the first Topeka Police Department public input session on police training practices would be held on September 4, 2022 from 6:00 p.m. to 8: 00 p.m. at the Washburn Tech East, located at 2014 SE Washington Street, Topeka.

Councilmember Dobler asked Topeka Police Chief Bryan Wheelles to provide comments on the capture of two, out-of-state fugitives that took place earlier in the day – September 13, 2022.

Police Chief Wheelles reported the Topeka Police Department apprehended two federal fugitives that have been wanted since 2019 by Tennessee authorities. He thanked the men and women of the Topeka Police Force and commended them for the great work they do every day.

Councilmember Duncan reported the Policy & Finance Committee has received and is in the process of reviewing all responses from the second round of ARPA funding applications.

Councilmember Lesser commended Topeka Police Chief Wheelles for his great leadership.

Councilmember Hiller commented on the many events and festivals that will take place during the month of October. She reported the Changing Our Culture Property Maintenance mowing program has resulted in the mowing of 118 yards. She asked residents who need help with mowing their yard or would like to volunteer to participate in the mowing program to call 785-368-9530.

Councilmember Valdivia-Alcala stated she believes it is time for them to have serious dialog regarding a fair living wage for City employees. She referenced the recent affordable housing study that listed the living wage in Topeka as being slightly under \$17 per hour. She commended the Omni Group for their leadership and participation in the Changing Our Culture of Property Maintenance mowing program and stated she looks forward to continuing the program in 2023. She reported she has been contacted by the residents of the Pioneer Motive Power Place Apartments voicing concerns about a number of serious issues related to allocations of false

eviction letters and lack of maintenance on apartment units causing panic among elderly tenants. She reported this was not first time she has been contacted about the same issue and she would continue to try and contact the Topeka Housing Authority (THA) to help find a resolution.

Councilmember Ortiz announced on September 15, 2022, the City would host Clean Slate Day from 9:00 a.m. to 3:00 p.m. at the Stormont Vail Agriculture Hall Event Center located at One Expocentre Drive, Topeka.

Councilmember Kell offered his condolences to the family of the late Arch Eckert. He announced the 2022 Great Topeka Duck Race would take place on September 17, 2022 at 10:00 a.m. at Shawnee Lake. He reported the fund raising event donates to several great community organizations and ducks could be purchased online at www.duckrace.com.

Councilmember Naeger announced September is Child Cancer Awareness Month and encouraged those who are able to donate to the local childhood cancer foundation “Team Blake” to do so online at <https://www.foreverteamblake.com>. She also announced National Hispanic American Heritage month would begin on September 15, 2022; and Pride Kansas would host a Pride Rally at the Kansas State Capitol as well as Pride Festival events would be held at the Evergy Plaza and the Topeka Performing Arts Center on September 24, 2022.

Councilmember Dobler moved to recess into executive session for a time period not to exceed 45 minutes to discuss a candidate for city manager as allowed under KSA 75-4319(b)(a). The following individuals were present to aid the governing Body: City Attorney, Amanda Stanley and other individuals the Governing Body deemed necessary. The open meeting would resume 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.” (9-0-1)

Following a 45-minute time period, the meeting reconvened into open session and Mayor Padilla announced no action was taken during the executive session.

Councilmember Duncan moved that the City of Topeka enter into an agreement with Stephen Wade to be the next city manager of the City of Topeka, Kansas, effective September 14, 2022. The motion seconded by Councilmember Kell carried unanimously on roll call vote. (10-0-0)

NO FURTHER BUSINESS appearing the meeting adjourned at 8:18 p.m.

(SEAL)

Brenda Younger City Clerk

Attachment A

COT 2023 Operating Budget

Statement for 9/13/22 CW Hiller

Budget Change Recommendations:

None. That said, expect that some line item changes WILL occur related to implementation of provisos.

Proviso(s):

Per input from the Council, staff and citizens, I had been planning a proviso. However, given the priority that this body made DEI and our workforce in its City Manager interviews, and the work plan we were provided by our City Manager finalist, I will instead just make a statement...for the record, please.... I hope the Council will support in the delivery.

Full Staffing and DEI Priority – I believe that this Council is desirous of a comprehensive intentional effort, customized by department and even subdepartment, to fill existing and expected open positions and to be very intentional in recruiting so that each resulting department has improved or met full parity with City population diversity and is fully staffed. These actions can, and should, go together. Preparations should start immediately.

With that, it could be that funds proposed for a new standalone DEI position would be better spent for salaries or otherwise to ensure diversity in the existing departments, both at the frontline and management levels. If the proposed position does go forward, all care should be taken to identify qualifications and roles, so that the position is fully aiding and leading our efforts...correspondingly, then, does not become a “token”, as such positions have become in other places. It could be, too, that the money proposed to “boost” ads would not be necessary at all if other strategies such as targeted recruiting, internships, adjusting education/experience requirements and adding engaging headers to job announcements were employed.

Along those lines, I will have some questions to forward to the next city manager about an alternate for the two abatement positions that Community Engagement had proposed, and also share with the right parties an article forwarded by a citizen about a successful program providing day-work for homeless persons doing abatements, and detail from ~~another~~ citizen proposal for effective headers on job announcements.