

Governing Body Minutes – October 11, 2022

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, October 11, 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, Lesser and Duncan -4; and Councilmembers Ortiz, Emerson and Dobler participated remotely -2. Mayor Padilla presided - 1. Absent: Councilmembers Valdivia-Alcala and Naeger -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 October 11, 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 October 11, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Duncan asked for a moment of silence in honor of the three Auburn-Washburn elementary students that passed away in an automobile accident on October 10, 2022; and the three local homicide victims found on September 29-30, 2022.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Fatima Perez-Luthi to the Topeka Metropolitan Transit Authority Board to fill a term ending October 11, 2026, was presented. *(Council District No. 5)*

BOARD APPOINTMENT recommending the appointment of Laurie Niehaus to the Topeka board of Zoning Appeals to fill an unexpired term ending December 31, 2022; and to fill

a new term beginning January 1, 2023 and ending December 31, 2025, was presented. (*Council District No. 9*)

Councilmember Kell moved to approve the appointments. The motion seconded by Councilmember Lesser carried unanimously on roll call vote. The Mayor does not vote. (7-0-0)

A PRESENTATION on the Mayor's Taskforce Against Domestic Violence was presented by Becca Spielman, YWCA Northeast Kansas Program Director, Center for Safety and Empowerment.

Stephen Wade, City Manager, reported the City of Topeka would begin prosecuting domestic violence cases in January 2023.

Mayor Padilla thanked Taskforce members and Ms. Spielman for their continued efforts to help end domestic violence in the community.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9361 introduced by City Manager Stephen Wade authorizing initiation of eminent domain proceedings to acquire easements for a Waterline Improvement Project T-281225.08 at the West Ridge Mall, was presented.

APPROVAL of Professional Engineering CONTRACT NO. 50679 between the City of Topeka and Alfred Benesch and Company for Design, Survey, Inspection and Construction Administration services related to bank rehabilitation, stabilization and restoration of streams and channels throughout the city of Topeka, was presented.

APPROVAL of Utilities CONTRACT NO. 50673 between the City of Topeka and Garney Companies, Inc., for a construction team to support design with preconstruction services and guaranteed maximum price development as the initial service, and if authorized, provide all site and building services required to construct a turnkey project during construction, was presented.

APPROVAL of Utilities CONTRACT NO. 50678 between the City of Topeka and Cook, Flatt and Strobel Engineers, P.A., for professional engineering services to aid the City with engineering design and construction documents for the Boswell Avenue Water Main Replacement Project, was presented.

MINUTES of the regular meeting of October 4, 2022, was presented.

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

ORDINANC NO. 20378 introduced by City Manager Stephen Wade, establishing the South Topeka Redevelopment District pursuant to K.S.A. 12-1770 *et. seq.*, was presented.

Stephen Wade, City Manager, reported the applicant has requested to establish a redevelopment (Tax Increment Finance – TIF) district and Curtis Sneden, Greater Topeka Chamber of Commerce, Senior Vice President of Government Affairs, was present for questions. He stated the public hearing was conducted on September 13, 2022.

Councilmember Hiller thanked Staff for updating the boundaries of the proposed district. She reported an overlap of the Neighborhood Revitalization Program (NRP) and the TIF District and noted, there are some properties that are eligible for both programs. She referenced past discussions by the Governing Body, and questioned the best way to negotiate with developers as projects are proposed the stipulation of tax increments only be assessed against the property where the actual project was located. She noted additional language could be included in the ordinance or in the development agreement.

Henry McClure spoke in support of the effectiveness of the Tax Increment Financing concept. He asked the Governing Body to approve the South Topeka TIF District and create a development agreement template, similar to the Wheatfield TIF District, for each project presented

to the City for approval in order to streamline the process and attract more development projects to the city.

Councilmember Kell spoke in support of the TIF concept as it would provide a great incentive for development in the area.

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

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

A RESOLUTION introduced by 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.

Stephen Wade, City Manager, requested the resolution be deferred until October 18, 2022, to be considered after the Governing Body has been updated on the Parking System Management Request For Proposals (RFPs) received by the City.

Councilmember Duncan moved to defer the resolution until October 18, 2022. The motion was seconded by Councilmember Kell.

Councilmember Duncan stated regardless of the outcome of the RFP discussion on October 18, 2022, he supports investing in the improvements of the Uptowner Parking Garage.

The motion to defer the resolution until October 18, 2022, carried unanimously on roll call vote. (8-0-0)

DISCUSSION regarding the recommendations of the City of Topeka 2022 Redistricting Commission concerning council district boundaries was presented.

Stephen Wade, City Manager, introduced Michelle Hoferer, Redistricting Commission Chair to make the presentation.

Commission Chair Hoferer reported the Commission was charged with updating the Council District map by reestablishing boundaries with acceptable population numbers in each district based on the 2020 U.S. Census. She highlighted the process as follows:

- The Commission conducted three meetings in August and one in September, including a public hearing on August 18th and accepted public input until September 30th.
- Each council district is required to have 14,064 individuals, with an allowance of 352 more or less, acceptable range being 13,712 to 14,416.
- Districts 1 and 2 fell below the target population range and Districts 8 and 9 exceeded the target population range.
- Staff proposed two maps (Plans A and B) while the Commission proposed an additional three maps (Plans C, D and E).
- Plan A was approved by the Commission on September 30th. The plan had six precinct changes, the least amount proposed while meeting all population requirements.
- The majority of public input received were comments regarding moving Ward 2, Precinct 4, from District 3 to District 2. She noted Precinct 4 was considered part of the Oakland area and removed from District 2 in 2010.

In conclusion, Commission Chair Hoferer stated the Commission recommends Plan A (Attachment A) to the Governing Body for consideration. She stated the biggest challenge the Commission faced was the extreme population variances of precincts (ranging from 200 to 1800 people) making it difficult to adjust district boundaries now and in the future as the city grows. On behalf of the Commission, she thanked the Governing Body for allowing them to serve. She recognized and commended all members of the Commission as well as City staff members for their support.

Councilmember Duncan reported the redistricting process takes place every 10 years as required by State law and each member of the Commission was appointed by a member of the City Council. Individuals could not be immediately related to the Council member and must live in the council district. He thanked Commission Chair Hoferer for serving as the Chair as well as the other members for serving on the Commission. He reported he received a lot of email supporting Plan A.

Mayor Padilla thanked Commission members for their service and commended them for their efforts to ensure a fair and considerate process.

Councilmember Hiller referenced the different size precincts and asked the Commission if they have a list of precincts they believe the Governing Body should address or suggestions of how they should go about considering changes. She noted the same concerns were raised 10 years ago.

Commission Chair Hoferer stated they did not create a list because it was outside the scope of their authority; however, as the Commission considered moving precincts, it was apparent they were very limited on their options due to the extreme population variances. She suggested as a possibility, the City could address precinct population sizes through subdivision regulations.

Amanda Stanley, City Attorney, reported Staff contacted the Shawnee County Election Commissioner and was informed that Ward and Precinct boundaries were updated in 2019, and boundaries have not yet been revised based on the 2020 Census numbers; however, no significant changes are anticipated. She stated the City has sent the current council district map along with Plan A to the Shawnee County Election Commissioner for review. She noted Governing Body members have the option to advocate for changes to the Shawnee County Commission as well as the Shawnee County Election Commissioner; and a list of proposed precinct changes could be generated from the minutes of the Redistricting Commission.

Councilmember Hiller stated she believes they should create a list of proposed precinct changes.

Commissioner Hoferer questioned how the City plans to notify residents regarding a change in council district representatives.

Councilmember Duncan suggested the City request a list of residents that will change council district representatives from the Shawnee County Election Commission so individual

council members as well as the City could notify residents before the next municipal election in 2023.

City Manager Wade reported the City would create a communications plan to notify residents prior to 2023 elections.

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

Henry McClure thanked the Governing Body for approving the establishment of the South Topeka Redevelopment (TIF) District and for approving residential zoning in commercial areas. He referenced the history of the City and County Planning Commissions, and stated he believes the two commissions should be consolidating into one unified commission to benefit the community as a whole and create unification as it relates to development in the city and county.

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

Brenda Younger, City Clerk, provided an overview of the October 18, 2022, Governing Body meeting agenda.

Stephen Wade, City Manager, announced the Changing Our Culture of Property Maintenance celebration on October 15, 2022, from 12:00 p.m. to 2:00 p.m. at Everygy Plaza; and the City has partnered with Kansas Gas Service (KGS) to distribute weatherization kits on October 20, 2022, by appointment only. Individuals interested should contact Monique Glaude at mglaude@topeka.org or call 785-368-4470 to schedule an appointment.

Councilmember Duncan noted he would be absent from the October 18, 2022, Governing Body meeting. He announced the Policy and Finance Committee would make their final ARPA funding recommendations at the October 28, 2022, committee meeting. He reported a presentation on the City's TOTO Program was provided at the 2022 League of Kansas Municipalities

Conference resulting in positive feedback from communities across the state. He announced Fairlawn Plaza would host their 60th anniversary celebration on Saturday October 15, 2022.

Councilmember Hiller offered her condolences to the Russell Burton family. She welcomed and encouraged everyone to participate in the Changing Our Culture of Property Maintenance celebration on October 15, 2022, from 12:00 p.m. to 2:00 p.m. at the Evergy Plaza. She reported there are 14 families that are still in need of lawn mowing services and asked those individuals interested in volunteering to call 785-368-9530.

Councilmember Ortiz announced October was Fire Prevention month and asked Alan Stahl, City of Topeka Fire Marshal, to provide fire prevention education.

Alan Stahl, City Fire Marshal, He announced the theme for the 2022 Fire Prevention Week was “Fire Won’t Wait. Plan Your Escape.” He reported on average people have less than 4 minutes to escape a fire in their home. He urged residents to use appropriate extension cords when using space heaters and to only do so when they are home; the minimum distance requirement for wood burning fire pits was 25 feet from a house; and make sure propane cylinders are in good condition prior to use. He reported burning leaves are prohibited by the Kansas Department of Health and Environment (KDHE) and burn barrels are prohibited in city limits.

Councilmember Emerson thanked the Governing Body for approving the South Topeka Redevelopment (TIF) District.

Councilmember Emerson left the meeting.

Councilmember Kell urged everyone to be aware of their surroundings in regards to homeless camps and fire safety. He announced October 11 was National Coming Out Day; October 12 was National Stop Bulling Day; and October 13 was the United States Navy’s Birthday.

Mayor Padilla reminded residents to stay informed and vote on November 8, 2022, as there are many important issues to consider.

Councilmember Hiller moved to recess into executive session not to exceed 30 minutes to discuss matters related an individual company regarding a possible business dealing with the City which will involve the discussion of confidential financial affairs pursuant to KSA 75-4319(b)(4). The open meeting would resume in the City Council Chambers. The following staff was requested to assist the Governing Body in its deliberations: City Manager Stephen Wade and any other staff he deemed necessary. 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.” (6-1-0)

Following a 30-minute time period, the meeting reconvened into open session and Mayor Padilla announced no action was taken during the executive session.

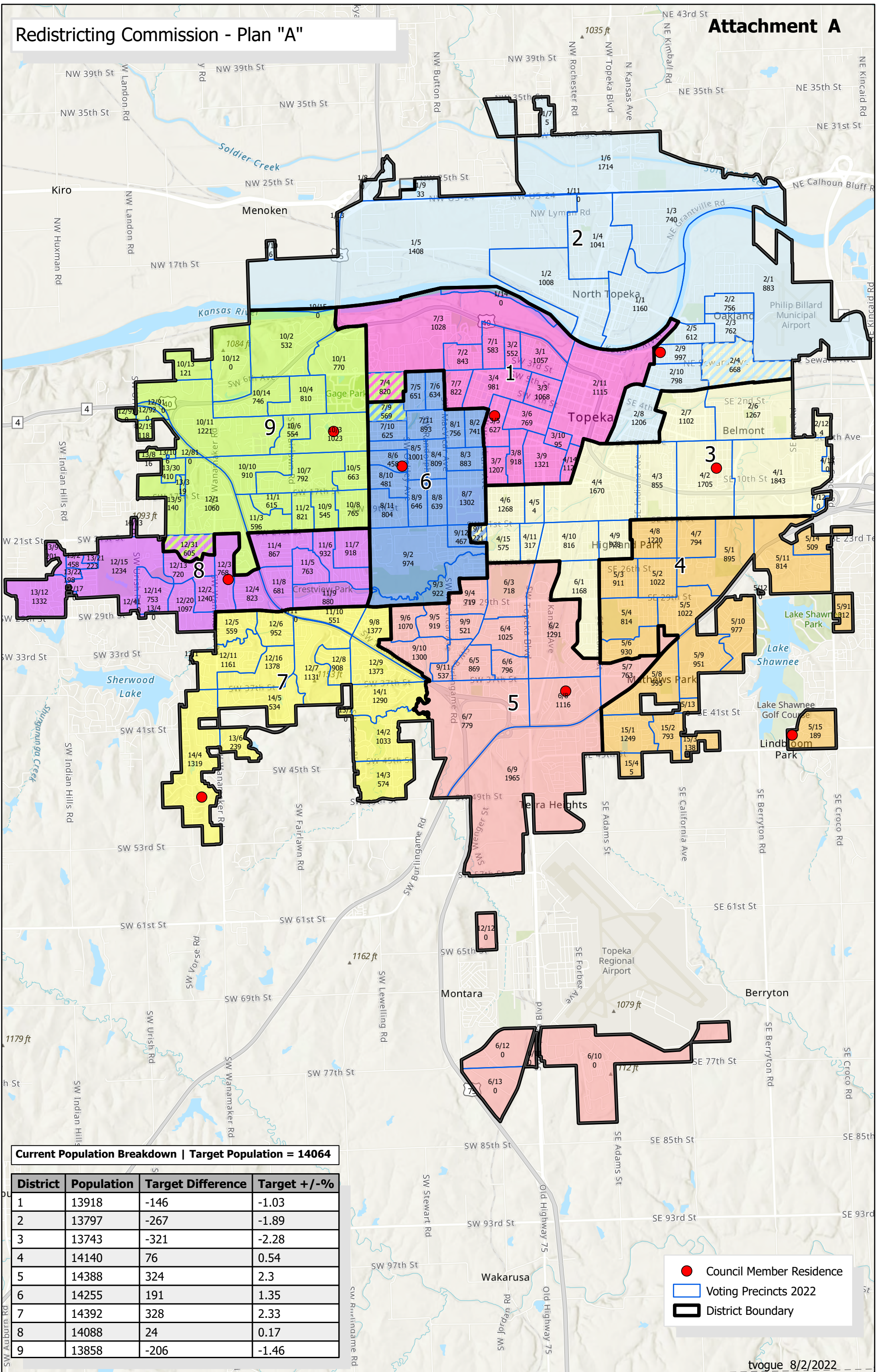
NO FURTHER BUSINESS appearing the meeting adjourned at 7:00 p.m.

(SEAL)

Brenda Younger City Clerk

Redistricting Commission - Plan "A"

Attachment A



Current Population Breakdown | Target Population = 14064

District	Population	Target Difference	Target +/- %
1	13918	-146	-1.03
2	13797	-267	-1.89
3	13743	-321	-2.28
4	14140	76	0.54
5	14388	324	2.3
6	14255	191	1.35
7	14392	328	2.33
8	14088	24	0.17
9	13858	-206	-1.46

- Council Member Residence
- Voting Precincts 2022
- District Boundary

Brenda Younger

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, October 11, 2022 5:29 PM
To: City Council; City Clerk; Mayor; Sylvia Ortiz; Michael Lesser; Neil Dobler; Tony Emerson; Spencer Duncan
Cc: Stephen M. Wade; Bill Cochran
Subject: South Topeka Redevelopment TIF

I support 5 A : The ordinance to establish the South Topeka Redevelopment District .
Joseph Ledbetter JD, MPA
Sent from my iPhone