

## **Governing Body Minutes – December 6, 2022**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, December 6, 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, Valdivia-Alcala, Emerson, Kell, Duncan, Dobler, Naeger and Ortiz -8. Mayor Padilla presided -1. (Council District 9: Vacant)

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](mailto:cclerk@topeka.org) by no later than 5:00 p.m. on December 6, 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](mailto:cclerk@topeka.org) on or before December 6, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Valdivia-Alcala, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Sam Stallbaumer to the Board of Building and Fire Appeals for a term ending December 6, 2024, was presented. (*Resides in Shawnee County and operates business within City limits.*)

BOARD APPOINTMENT recommending the reappointment of Angela Sharp to the Board of Building and Fire Appeals for a term ending December 31, 2024, was presented. (*Council District No. 8*)

BOARD APPOINTMENT recommending the appointment of John Hunter to the Downtown Business Improvement District Advisory Board to fill a term ending December 6,

2024, was presented.

BOARD APPOINTMENT recommending the reappointment of Paul Miller to the Board of Plumbing Examiners for a term ending December 31, 2024, was presented. (*Council District No. 6*)

BOARD APPOINTMENT recommending the reappointment of Steve Mohan to the Board of Building and Fire Appeals for a term ending December 31, 2024, was presented. (*Council District No. 7*)

Councilmember Dobler moved to approve the appointments. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. The Mayor does not vote. (8-0-0)

CONSENT AGENDA was presented as follows:

APPROVAL of a Public Works Engineering Contract between the City of Topeka and Finney and Turnipseed, in an amount not to exceed \$106,750 for engineering services, was presented.

APPROVAL of a Cereal Malt Beverage license application for Dicky's Barbecue Pit 609 NW US Hwy 24, was presented.

MINUTES of the regular meeting of November 15, 2022, was presented.

Councilmember Emerson moved to approve the consent agenda. The motion seconded by Councilmember Kell carried unanimously. (9-0-0)

ORDINANCE NO. 20392 introduced by City Manager Stephen Wade annexing land to the City of Topeka, Kansas, in accordance with K.S.A 12-520c, generally located at on the east side of SE Croco Road and approximately 1,300 feet south of SE 37th Street within unincorporated Shawnee County, Kansas and assigning the annexed land to Council District No. 4, was presented.

Stephen Wade, City Manager, reported the applicant was requesting annexation of land that does not adjoin the City; however, the property was contiguous to the Rockfire by the Lake

Development located within the city limits. He stated the owner was desirous of constructing 188 single family homes and 78 duplex units and reported, the Shawnee County Commission approved the annexation on October 6, 2022.

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: Hiller, Valdiva-Alcala, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan, and Mayor Padilla -9.

DISCUSSION and possible ACTION of the 2024 Social Service Grants (SSG) Committee Process and Funding in the amount of \$434,904, was presented. *(The SSG Committee recommended approval by a vote of 2-0-0 on October 21, 2022.)*

Councilmember Hiller, Social Service Grants Committee Chair, reported the Social Service Grants Committee met on October 21, 2022, to discuss and finalize the 2024 SSG Cycle to include the 2024 Process Calendar which sets deadlines and dates that will occur in 2023 that affect the 2024 grant process, as well as the 2024 Priorities Sheet and Scoring Sheet. She noted the documents and recommendations reflect those of 2022, with the exception of date changes. She stated all items were reviewed and opened for discussion; there were no recommendations for changes from United Way, City staff, Committee membership, grantees or from others, as well as funding amount recommendations remain the same.

Councilmember Hiller moved to approve the 2024 Social Service Grants Committee Process and Funding in the amount of \$434,904. The motion was seconded by Councilmember Kell.

Councilmember Ortiz asked how Staff determined the amount to be allocated.

Stephen Wade, City Manager, reported the amount was carried over from the current year and aligns with current projections; however, if revenue decreases they would have to make modifications.

The motion to approve the 2024 Social Service Grants Committee Process and Funding in the amount of \$434,904 carried unanimously. (9-0-0)

RESOLUTION No. 9375 introduced by City Manager Stephen Wade, requesting the Director of Alcoholic Beverage Control to convene a hearing regarding the drinking establishment license of 45th Street to determine whether to revoke the license and to notify the City of Topeka if a license renewal application is received, was presented.

Stephen Wade, City Manager, reported since 2019, the establishment has been a site of numerous police calls related to shootings, assaults, fights and disturbances with the last shooting resulting in a homicide on November 4, 2022. He stated Staff was recommending the Governing Body request the Director of Alcoholic Beverage Control ("ABC") to revoke the drinking establishment license of 45th Street and to notify the City if a license renewal application was received.

Councilmember Valdivia-Alcala stated violence associated with any business was unacceptable; however, she was aware of similar acts of violence that has taken place at other establishments in the city over the years. She asked if any Governing Body or the City has taken this type of action against a drinking establishment in the past.

Mayor Padilla stated he recalls this type of action being taken before by the City of Topeka under the same circumstances. He stated he has received calls from adjacent business owners of 45<sup>th</sup> Street expressing their concern to safely conduct their businesses. He reported the Topeka Police Department as well as ABC have dedicated a lot of effort to mitigate and reduce violent incidences at this location.

Councilmember Hiller stated she does not recall this type of action being taken by the City in the past and questioned if the Topeka Police Department or ABC needs to act in this situation.

Amanda Stanley, City Attorney, reported a liquor license would be considered “property” or “a sustenance right” and in order for ABC to revoke the license, the City must follow the entire administrative procedure act including a ruling by an administrative law judge for revocation.

Councilmember Duncan reminded the Governing Body this was just one step in the process and the individuals would be provided the opportunity to present their case in an administrative hearing with the State of Kansas.

Councilmember Kell expressed concern with the continued violence that takes place at the establishment. He stated he has received a high number of complaints from constituents and he wants to make certain the proper legal steps are taken to ensure the safety of citizens now and in the future.

Councilmember Kell moved to approve the resolution. The motion seconded by Councilmember Emerson carried unanimously (9-0-0).

SELECTION of Council Member to fill the unexpired term of Council District No. 9, was presented.

Mayor Padilla provided opening statements and welcomed the candidates. He stated interviews would be conducted in the order applications were received in the City Clerk’s Office (1) Michaela R. Saunders (2) Joe Cheray (3) Nicholas Trammell (4) Michelle Hoferer and (5) Janel R. Johnson.

Amanda Stanley, City Attorney, highlighted the interview process as follows:

- Each candidate will provide an opening statement, not to exceed four (4) minutes. There will be no extension of time.
- Each Governing Body member will then be provided with the opportunity to ask an interview question. Interview Questions will be asked in District Order.
- Each candidate will be provided up to two (2) minutes to answer each question.

- After all interviews have concluded, each Governing Body member will vote for one candidate using a ballot provided by the City Clerk.
- The balloting process will continue until such time as a minimum of five (5) votes is secured for one or more candidates.
- If no candidate receives five (5) or more votes, the matter may be deferred to the next regular Governing Body meeting (December 13, 2022).
- Following the selection of a representative for Council District No. 9, Administrative Court Judge Karan Thadani, will administer the Oath of Office at the next Governing Body Meeting (December 13, 2022).

Michaela R. Saunders, Joe Cheray, Nicholas Trammell, Michelle Hoferer and Janel L. Johnson

provided opening statements and answered each of the following questions:

1. Mayor Michael Padilla: Why have you chosen to apply for this seat on the council?
2. Councilmember Karen Hiller: We each bring years of skills and expertise in many areas, but not all areas. When an issue that is new to you comes up...which it will...how will you approach being prepared to address it?
3. Councilmember Christina Valdivia-Alcala: What's an initiative (not already happening within City Government) you envision yourself bringing forward during your term?
4. Councilmember Sylvia Ortiz: Since District 9 does not have Neighborhood Improvement Association meetings, how do you plan to involve residents in the decision-making process in our city?
5. Councilmember Tony Emerson: Like many capital cities, a large amount of Topeka's prime commercial property is tax exempt (state-owned properties, city & county facilities, not-for-profit foundations/hospitals, etc.). This puts a larger burden on property owners that are not exempt. Please give one idea you have to reduce this burden.
6. Councilmember Brett Kell: If you could fix one problem in Topeka, what would that problem be and how would you go about fixing it?
7. Councilmember Hannah Naeger: What is one primary goal or agenda you hope to accomplish if selected to the City Council?
8. Councilmember Neil Dobler: What are the two top functions of the City Council?
9. Councilmember Spencer Duncan: Explain how you handle conflict and how you envision working with District 9 constituents.

Mayor Padilla announced the interviews were complete.

Councilmember Duncan thanked the candidates for applying and stated it was a difficult decision to make because of the great level of experiences and abilities of each candidate.

Councilmember Kell stated he believes all five individuals were excellent candidates and it will be difficult to choose only one. He stated he looks forward to working with each individual on the great ideas they brought forward.

Councilmember Hiller stated this would be a difficult decision for her and she holds all of them in high regard. She thanked all candidates for applying.

Mayor Padilla stated it was a compliment to the Governing Body that five qualified candidates would like to join the Governing Body in their work. He welcomed the great ideas presented by each candidate, and asked each individual to remain engaged in the community and work to implement their ideas.

After the tally of the vote, the City Clerk announced Michelle Hoferer received 4 votes, Janel L. Johnson received four (4) votes, and Michaela Saunders received one (1) vote

Mayor Padilla announced the balloting process would continue until a minimum of five (5) votes was secured for one or more candidates.

After the tally of the vote, the City Clerk announced Michelle Hoferer received five (5) votes and would serve as the newly appointed Council District No. 9 representative. *(Janel L. Johnson received the remaining four (4) votes.)*

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

Brenda Younger, City Clerk, provided an overview of the December 13, 2022 Governing Body Meeting Agenda.

Stephen Wade, City Manager, commented on the great employee turn out for the Miracle on Kansas Avenue Parade on December 3, 2022; and the City of Topeka Ice Skating Employee Appreciation Event on December 4, 2022. He announced City of Topeka employees Nick Jefferson, Senior Attorney; Ruben Salamanca, Police Training Advisor; and Jermel Walker, Water Division Supervisor, would be participating in the 2023 Leadership Topeka Class. He also announced a new class of Topeka Fire Department recruits would graduate on December 6, 2022, and a new class of Topeka Police Department recruits would graduate on December 7, 2022.

Councilmember Valdivia-Alcala announced the Mexican-American community would celebrate the Feast of Our Lady of Guadalupe on December 12, 2022.

1. She requested an update from the City Manager on the homeless encampments along the Kanas River. She recognized the Equity Access Shelter (E.A.S.) Program has just been launched, however, concerns have been raised at NIA meetings regarding the buildup of trash and other debris along the encampment and continues to be distressing to residents in District 2 that live on both sides of the river.
2. She referenced the utility rate discussion scheduled on the December 13, 2022, Governing Body Meeting Agenda and expressed concern with discrepancies in information she recently received compared to what was discussed by the Governing Body in the January and February ARPA discussions related to potential rate increases. She requested an update and/or presentation on the ARPA rate discrepancy, a list of all possible funding sources the City could utilize including the possibilities of federal monies related to the infrastructure bill. If the proposed utility rate would pass, she would like an in depth explanation (in a public meeting setting) of what mechanisms are going to be available to Low to Moderate Income (LMI) residents, and how there may or may not be an increase on years prior to what they are looking at if the proposal would pass.
3. She also requested data for the past five years regarding the number of utility shut offs for city residents. She referenced increasing utility rates across the nation in the coming year and the anticipated 20 million households across the nation that would be in jeopardy of having utilities shut off due to increases. She stated she does not want Topeka to be one of those communities.

Councilmember Emerson thanked all candidates for applying and stated it was a tough decision. He announced he would not be running for re-election in 2023.

Councilmember Kell reported he has discussed the City's options regarding trash pickup at homeless encampment sites and suggested the City partner with Shawnee County Refuse or a private company to ensure the health and safety for city and encampment residents. He announced December was National Human Rights month encouraging all to come together and stand up for equality, justice, and the dignity of all humans. He commended the five District 9 candidates for their willingness to help the community.



Councilmember Naeger thanked all candidates for applying. She expressed her appreciation for their service to the community and stated she looks forward to working with them in the future.

Councilmember Dobler thanked candidates for applying and congratulated Michelle Hoferer for being selected as the new Council District No. 9 representative. He encouraged all candidates to take their experiences and remember there will be another opportunity for the District No. 9 Seat in 2025.

Councilmember Duncan implored all community partners to work with Shawnee County to help them continue the recycling program because it is possible to manage and has a direct impact on the quality of life in our community by extending the land fill, addressing issues with blight, it was environmentally sound and economically important, as well as a service people look for when relocating to a community. He commended the City for hiring Ernesto De La Rosa as the Chief Diversity Equity and Inclusion (DEI) Officer and stated he looks forward to working with him.

Councilmember Hiller announced Topeka United will host Peace: A Multicultural Holiday Evening, a free admission event on December 14, 2022, at Topeka First United Methodist Church located at 600 S.W. Topeka Boulevard. She also announced Topeka United 2023 Mosaic Partner Pairs was accepting applications and more information could be found on their website at <https://www.topekaunited.org/>.

Mayor Padilla reminded everyone to keep those less fortunate in mind during the holiday season and if possible, donate to the Salvation Army's Red Kettle Campaign. He encouraged residents to participate in the First Presbyterian Church of Topeka Noon Noel on December 7 and 14, 2022. He announced as a result of the approved sales tax to help fund Gage Park, the Zoo and the Children's Discovery Center, the new law requires the City to appoint two representatives of the seven-member Gage Park Improvement Authority. The Authority will oversee the

administration of the sales tax. He asked for suggestions from the Council and the public with the goal of appointing two representatives at the December 13, 2022 Governing Body Meeting. The law requires the first meeting of the Authority take place before the end of the year. The representatives must reside in the county and be registered voters. If Council members have suggestions or a member of the public was interested in being appointed the application form was available on the Mayor's web page at [www.topeka.org](http://www.topeka.org). For further information or questions, please email or contact Jane Murray, Executive Assistant to the Mayor at 785-368-3895 or [jmurray@topeka.org](mailto:jmurray@topeka.org) by 5:00 p.m. on December 9, 2022.

NO FURTHER BUSINESS appearing the meeting adjourned at 8:34 p.m.

(SEAL)

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Brenda Younger City Clerk