

## **Governing Body Minutes – January 3, 2023**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, January 3, 2023. 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, Duncan, Dobler, Hoferer, Naeger, Ortiz, Valdivia-Alcala -8; and Councilmember Emerson participated remotely -1. Mayor Padilla presided -1.

Public comment for the meeting was available via Zoom or in-person. Individuals were required to contact the City Clerk's Office at 785-368-3940 or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) by no later than 5:00 p.m. on January 3, 2023, 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 January 3, 2023, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Ortiz, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

CONSENT AGENDA was presented as follows:

RESOLUTION No. 9380 introduced by Deputy Mayor Spencer Duncan cancelling certain Governing Body meetings for calendar year 2023, was presented.

APPROVAL of a proposed settlement agreement of Shawnee County Case No. 2022-CV-689 and release of all potential claims and liens in exchange for \$50,000, was presented.

MINUTES of the regular meeting of December 20, 2022, was presented.

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

ELECTION of a Deputy Mayor to serve a one-year term pursuant to Topeka Municipal Code Section A2-26(c), was presented.

Mayor Padilla stated according to Governing Body Rules & Procedures 4.1 (b) council members who have served the longest period of time and have not previously served as Deputy Mayor will automatically be nominated; therefore, Councilmember Dobler would automatically be nominated to serve as Deputy Mayor.

Councilmember Dobler accepted the nomination to serve as Deputy Mayor.

Upon no further nominations, Mayor Padilla declared nominations closed.

Councilmember Naeger moved to approve the nomination of Councilmember Dobler to serve as the Deputy Mayor. The motion seconded by Councilmember Ortiz carried on roll call vote. Councilmember Dobler abstained. (9-0-1)

#### PUBLIC HEARING

To obtain citizen input on the City of Topeka's FY 2023 Annual Consolidated Action Plan, was presented.

Corrie Wright, Housing Service Division Director, provided an overview on the proposed 2023 Consolidated Action Plan and Budget. She stated the annual plan serves as the resource and allocation document that allows the City to receive its entitlement funds of Community Development Block Grant (CDBG), Home Investment Partnership Programing (HOME), and Emergency Shelter Grants (ESG), and also includes a summary of actions and activities that will be provided in 2023 to address the identified priorities. She noted all activities must meet the imposed caps and limits determined by U.S. Department of Housing and Urban Development (HUD). The funding cycle runs from January to December of 2023 with final allocations being

01-03-23

announced by HUD in February or March. She highlighted the following:

- HUD grants total approximately \$5 million dollars with 47% going to homeless and social services and 35% to housing services. Comparable to 2022 amounts.
- Citizen input was gathered to determine the best use of funds and to capture citizen priorities that align with HUD objectives. Staff met with the Citizen Advisory Council, Homeless Task Force and conducted several public meetings and asked for assistance from Greater Topeka Partnership
- All public meetings were advertised on all City social media outlets, flyers, various listservs, including the Greater Topeka Partnership listserv which has massive outreach.
- Recommendations for the 2023 Consolidated Action Plan include continuing existing programs that support seniors and people experiencing homelessness.
- In 2022, the Housing Division implemented Equity. Access. Shelter. (EAS) housing assistance and received a grant to help individuals exiting a psychiatric facility find safe, affordable and decent housing. The proposed Consolidated Action Plan supports continued efforts supplementing with other dollars to assist even more in these areas.
- The City provides 15% of their CDBG funds to Community Housing Development Organizations which are private nonprofit, community-based organizations that develop affordable housing for the community.
- Based on feedback, Staff recommends using prioritization in the scoring matrix of the Request for Proposal (RFP) process to provide extra points for housing projects that will assist seniors and/or assist those experiencing homelessness.

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, Mayor Padilla closed the public hearing.

Councilmember Hiller stated with approximately 80% of the HUD funding being used to assist seniors and people experiencing homelessness, she questioned how the plan would address the need of affordable, safe housing for young Low to Moderate Income (LMI) families that are not seniors. She inquired from where local Community Housing Development Organizations (CHDOs) are receiving funding.

Housing Services Director Wright reported the 35% of housing services funds would be available to any LMI person or family, and noted 67% of the LMI population were seniors. She reported local CHDOs receive funds annually from local set aside funding, along with funds from

the Topeka DREAMS Neighborhood Improvement Initiatives Program (NIIP) which covers major exterior and interior rehabilitation along with infill DREAMS housing projects.

Councilmember Valdivia-Alcala asked if the amount of set aside funding for CHDOs changed in 2023. She also asked if funding amounts were affected due to ARPA funding allocations. She requested the specific number of senior households along with an estimate of those households below 55 years of age. She expressed the importance of making sure they are fair and do not unintentionally eliminate resources and/or services needed for young LMI communities.

Housing Services Director Wright, reported there were no changes in funding amounts as well as there were no funding alterations made based on ARPA funding allocations.

Mayor Padilla stated the 2023 Consolidated Action Plan and Budget would be considered for approval on January 17, 2023.

DISCUSSION concerning potential utility rate changes for infrastructure maintenance, was presented.

Bruce Cubie expressed concern with the impact of a 10% increase in water utility rates for seniors on a fixed income which makes up 20% of the city's population. He expressed the importance of implementing a real plan for water line improvements similar to the pavement improvement plan for streets. He also asked how much of the tax payer dollar will be contributed to repairs.

Stephen Wade, City Manager, announced a Public Input Session was held on December 28, 2022, and a second Public Input Session would be held on January 4, 2023, from 12:00 p.m. to 1:00 p.m. at the Cyrus K. Holliday Building First Floor Conference Room, 620 SE Madison Street, Topeka. He reported action on the proposed ordinance will be postponed until a later date.

Councilmember Valdivia-Alcala expressed her appreciation for postponing action on the ordinance. She expressed the importance of knowing how many households actually equate to the 20% of the senior population so the City could better understand the number of young LMI households and senior households that actually need to be served. She encouraged the City to aggressively pursue State and Federal grant opportunities. She referenced the low number of people that attended the December 28, 2022, Public Input Session. She stressed the importance of citizens understanding that democracy as it relates to their voice being heard does not only happen in the Governing Body meeting realm but also through active participation in the process and engaging in dialog.

Councilmember Naeger asked how citizens could view or obtain information about the City's utility rate proposal.

City Manager Wade reported the City's website at <https://www.topeka.org/utilities> outlines details of the proposal or citizens could email the City at [citymanager@topeka.org](mailto:citymanager@topeka.org) for direct assistance.

Councilmember Hoferer reported citizens that attended the December 28, 2022, Public Input Session, stated the most prevalent way they were notified of the Session was through Facebook and WIBW News. She noted that low attendance may have been due to conducting the Session during a holiday week. She encouraged Governing Body members to reach out to their constituents and request that they forward information to fellow residents. She thanked City Manager Wade for hosting the Public Input Sessions.

Councilmember Hiller stated she too remains concerned about the cost of utility service to residents; however, as a Governing Body they need to take this issue serious as they are the only one that can provide water to residents. She expressed the importance of recognizing the dire need

to reduce the number of breaks, extending the life of the system, supporting Staff and citizens while making sure the essential service was properly funded.

Councilmember Kell reported failing infrastructure was a serious issue across the state and increases have been drastic in many areas in an effort to address the problem of deferred maintenance. He asked Staff to find a compromise and consider what would be best for the future by combining improvement projects to save money when possible.

Councilmember Dobler commended the City of Topeka for conducting public input sessions, allowing time for several discussions at the Governing Body meeting level as well as taking the time to research all possible funding options.

City Manager Wade reported Staff would enhance the City's social media presence by creating a listserv specifically for the purpose of distributing information about the process and proposed rates.

Mayor Padilla recognized that it was going to be a difficult decision to implement rate increases; however, it has to be done. He commended Staff for their work and allowing the Governing Body to consider every resource they have to make sure dollars are spent in the most fiscally responsible way possible. He noted efficiencies in operations always deserve scrutiny and encouraged employees to relay any ideas that may be part of a good solution.

PUBLIC COMMENT was submitted via email by Michael Bell (*Attachment A*) and provided by the following individual.

Henry McClure stated the City could not change how the water infrastructure has been handled in the past; however, they could change the way the City handles economic development in the future. He spoke to the fundamental aspect of supporting retail operations which in turn creates sales tax and builds infrastructure. He asked the City to invest in property the same way the

City invests in infrastructure and suggested they use the \$2 million of Joint Economic Development Operations (JEDO) annual carry-over funds to invest in local economic development.

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

Brenda Younger, City Clerk, provided an overview of January 10, 2023 Governing Body Agenda.

Councilmember Ortiz announced the retirement of Rachelle Vega-Retana, City Grant Administrator, and thanked her for her service to the City and residents. She congratulated Councilmember Dobler for being elected as the new Deputy Mayor. She encouraged those struggling with heating utility bills to apply for the Low Income Energy Assistance Program (LIEAP), a federally funded program that helps eligible households pay a portion of their home energy costs by providing a one-time per year benefit. The 2023 LIEAP application period is from Tuesday, January 3, 2023, through Friday, March 31, 2023. She recognized the Topeka Fire Department Free Smoke Detector Program and encouraged residents and Governing Body members to participate in the program as it provides a great opportunity to help keep family and friends safe.

Councilmember Emerson congratulated Councilmember Dobler for be elected as the new Deputy Mayor.

Councilmember Kell announced January was National Mentoring Month and thanked Staff and Governing Body members for their guidance.

Councilmember Naeger announced January was National Blood Donor Month. She recognized the constant need to donate blood and listed several locations where a person could donate.

Councilmember Dobler thanked Councilmember Duncan for his service as Deputy Mayor and expressed his appreciation to the Governing Body for electing him to serve as the new Deputy Mayor. He announced Shawnee County has eliminated many recycle drop off locations; however, he would like to thank them for hosting a recycle day on December 30, 2022 at the Stormont Vail Event Center.

Councilmember Duncan asked citizens and Governing Body members to donate blood.

Councilmember Hiller expressed her appreciation to all City Staff members that worked during the holidays to keep citizens safe and warm. She recognized the retirement of Rachelle Vega-Retana, City Grants Administrator; and Patti Jo Hamm, Public Works Administrative Assistant, and thanked them for their excellent service to the community.

Councilmember Valdivia-Alcala congratulated Councilmember Dobler for being elected as the new Deputy Mayor. She asked all those interested in helping with the City of Topeka Changing Our Culture of Property Maintenance Initiative to please contact her or Councilmember Hiller as they continue to look for volunteers.

Mayor Padilla recognized Councilmember Duncan for his service as Deputy Mayor in 2022.

Councilmember Emerson left the meeting.

Councilmember Naeger moved to recess into executive session for a period of time not to exceed 30 minutes to discuss the acquisition of real property for a location for a possible fleet building, as justified by KSA 75-4319(b)(6). The open meeting will resume in the City Council Chambers. The following staff



were present to assist the Governing Body in its deliberations: City Manager Wade and any other staff he deems necessary. The motion was seconded by Councilmember Dobler.

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 did not vote. (9-0-0)

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 7:33p.m.

(SEAL)


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Brenda Younger City Clerk

**Brenda Younger**

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**From:** Michael Bell <theanticj@yahoo.com>  
**Sent:** Tuesday, December 27, 2022 2:00 PM  
**To:** City Council; Mayor; Stephen M. Wade; City Clerk; Jane M. Murray; Elizabeth Toyne  
**Cc:** marge ahrens; mary tho mas ere; Cwiliet; mare galbraith elmhurst; janet cathcart; Ann Marshall; ShaMecha King Simms; TIMOTHY LEFFERT; James Monson; Pat Delapp; Sandy Lassiter; donald fortin nia; Donna Rae Pearson; christine allen ttnia; desiree lyons; doorstep inc; emma ray; jocelyn lyons.home; John Williams NIA; john lewis nia; katie divel ks children's svc league; mark gibbs nia; natalie oylar nia; pastor harry christian a-mo church; rev de dark shiloh church; victoria reyes nia; Zachary Scott  
**Subject:** IMPORTANT, URGENT: Comments/Recommendations on 2023 Consolidated Plan

 **This message needs your attention**

- You've never replied to this person.
- This is a personal email address.

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Hi, all!

Below are comments/recommendations I have regarding the city's 2023 Consolidated Action Plan, as well as the 2021-2025 Consolidated Strategic Plan and the next Strategic Plan as the city's governing body holds its Jan. 3, 2023 public hearing. These comments/recommendations come from 26 years of being immersed in Con Plan programming as an NIA leader, including serving for five years on the old Community Development Advisory Council's Con Plan committee, which I chaired, and being involved in the adoption of 1-year action plans and 5-year strategic plans.

While these comments/recommendations are mine only and do not represent the comments/recommendations of any other individual or entity, I am asking others to endorse them either in part or in whole and to share them with others.

My comments are not listed in any particular order of importance. The numerical designations are provided only to identify each comment.

Thank you for your time and consideration.

Michael Bell  
Tennessee Town NIA President

1) Hiring another grant writer who would *specifically* work with Community Engagement, Planning and Development and Public Works/Utilities to find grants and other funding sources outside the Con Plan to address local challenges (certainly the City can find enough money to fund another FTE position if it *chose* to).

2) Public-Private Partnerships would cost the City very little to nothing and would bring local for-profits and non-profits on board as partners. It also would be a way for non-profits that don't pay property taxes to contribute (i.e. payment in lieu of taxes, or PILOT; or services in lieu of taxes, or SILOT).

3) A yearly review of the administrative expenses used to deliver Con Plan programming to make sure that as much of the Con Plan entitlement as is possible is actually going to programming geared to improving the lives of low- to moderate-income people and LMI neighborhoods.

4) And yes, a *modest* increase in Topeka's mill levy. It's *far* past the time that we understand that the needs of LMI neighborhoods and people are increasing while funds for those areas and populations are not. And it's far past the time that we look beyond the standard response when we need to identify additional funds: a sales tax increase. Those sales tax increases disproportionately hurt the very people the Con Plan is trying to help because those people typically spend more of their income on sales taxes than those who are better situated financially. But our city leaders historically have heard the voices of property owners magnified to 100 times their actual volume and have consistently refused to use this tool as they seek to make the city better for *a//* of its inhabitants.

5) By bringing formerly vacant houses and lots back on the tax rolls, the City would recoup its expenditures at the back end of these processes by making the aforementioned investments at the front end of these processes. This is not a zero-sum proposition. This requires long-range thinking and planning instead of the immediate gratification most policy making seems to demand these days.

We can't keep kicking this can down the road. Your challenge to find funding does not end this discussion. What it should do is make the city's governing body *more* determined to find the funds. Drive through Old North, East, Central and Southeast Topeka and you'll see what I'm talking about.

6) "Regarding SORT, Tennessee Town was a SORT NIA for 2017-2019. Tennessee Town is probably the smallest NIA in Topeka geographically, and yet the 2 target areas within our neighborhood only encompassed 10 of the neighborhood's 16 square blocks. Targeting funds in Tennessee Town still left out about half of the neighborhood. That was,

and is, one of the problems with targeting: limited impacts. The other concern is while one NIA/year "wins the lottery" with the SORT, the other NIAs, often with the same housing and infrastructure concerns, get worse. The DREAMS program would ANNUALLY hook EACH NIA into public works' department funds (not just SORT funds) for infrastructure projects and Affordable Housing Trust Fund dollars (in addition to HOME and other federal housing funds) for housing projects. Bigger pots of money, bigger impacts in more NIAs. (It might not solve all of the challenges in all of the NIAs, but it would at least stop the bleeding as additional programming and funding can be identified and it would do so for more than the SORT's one NIA/year.)

7) "One of the unfair benefits of the SORT, I believe, is how it limits the creation/update of neighborhood plans to SORT NIAs. Tennessee Town was able to update its 2001 plan, but it took 16 years to do so and ONLY because we were a SORT NIA for 2017-2019 (otherwise we might still be waiting). A document as important as the neighborhood plan, which sets priorities and goals and is formally codified by a vote of the city's governing body, should be made available more regularly to the city's NIAs. The DREAMS program recommends that the planning department can do 2 neighborhood plans/year, thereby cycling NIAs more quickly through either the initial plan or an update (instead of one/year with the SORT)."

8) Also, SORT ultimately pits NIA against NIA as the challenges in ALL NIAs either remain unchanged or get worse. DREAMS would enable each NIA to approach the City at the same time with their proposals. That is the way things operated before the SORT and the faulty paradigm of targeting funds was adopted as city policy.

9) The pandemic has seriously interfered with the ability of NIAs to meet regularly. It has been tough for some NIAs to get back on their regular meeting rotations as people are still wary about attending meetings. A portion of the Con Plan's funding should go to helping NIAs to do more outreach so that the involvement of their residents is maximized.

10) More funds for in-fill housing so that local housing providers can build more than a handful of homes per year when the need is far greater than that and so that the City can contribute more than just foundations for those new homes. Also, building "tiny houses" on foundations should be examined.

11) A separate line item within the Con Plan should be created for land acquisition and land banking should be codified as a city priority.

12) Release NIAs from the suburban notion that there has to be at least 50 feet of frontage to build a new home. In Central, East and Old North Topeka houses were built on 25-foot lots for decades. I used to live in a couple of them in Tennessee Town. There exist modern 25-foot house plans

compatible with existing neighborhood architecture that the city could utilize and decrease the costs of new housing (smaller houses) in certain areas of the city.

13) More funds for housing rehabilitation. If the City is serious about getting to houses sooner, then it must find more housing rehab funds or those houses that it gets to sooner will just end up on the City's demolition list and an opportunity to expand the city's affordable housing stock will be lost.

14) Actually funding the Affordable Housing Trust Fund. Let's not let go of the recent promises regarding this point. Let's finally follow through. The needs are increasing, not decreasing.

15) The City should pursue establishing the "Chamber of Commerce for NIAs" contained in the Neighborhood Element to the Comprehensive Plan 2025 and encourage small, local business development in the city's NIAs. I grew up in Central Topeka and small, locally owned business were everywhere. This ties in to walkability, sustainability (shorter vehicle trips) and other issues, too.

16) A greater policy and funding commitment to addressing Topeka's food deserts and its food/nutrition insecurity challenges. Sixty percent of our city is a food desert, as defined by the federal government. There are economic opportunities, as well as the obvious health opportunities, for Topeka's most socioeconomically challenged individuals, families and neighborhoods that can be addressed by prioritizing this issue. The recent ARPA allocation for food insecurity is a positive first step. Much more needs to be done to actually facilitate the construction of full-service grocery stores in our city's underserved areas.

17) A examination of the city's commitment to the periphery of Topeka *at the exclusion* of its foundational neighborhoods in Old North, Central, East, and Southeast Topeka. Progress has been made on this front. There's still room for more progress to be made.

18) A housing study, until recently, had not been conducted in Topeka since 1990. That's incredible. Actually it's despicable. Decisions had been made without this valuable research tool being used. Housing study updates should be conducted at least every 5 years, along with the city's Consolidated Strategic Plan.