

Governing Body Minutes – February 7, 2023

CYRUS K. HOLLIDAY BUILDING, Topeka, Kansas, Tuesday, February 7, 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 Valdivia-Alcala, Hiller, Kell, Emerson, Dobler and Hoferer -6. Councilmembers Duncan, Naeger and Ortiz participated remotely -3. 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 by no later than 5:00 p.m. on February 7, 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 on or before February 7, 2023, for attachment to the meeting minutes.

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

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Zachary Surrutt to the Topeka Human Relations Commission to fill an expired term ending February 7, 2025, was presented. (*Council District No. 6*)

BOARD APPOINTMENT recommending the appointment of Sean McGimpsey to the Topeka Human Relations Commission to fill an expired term ending February 7, 2025, was presented. (*Council District No. 9*)

BOARD APPOINTMENT recommending the appointment of Mary Monzyk to the Topeka

02-07-23

Sustainability Advisory Board for a term ending February 7, 2025, was presented. (*Council District No. 5*)

Councilmember Hiller moved to approve the appointments. The motion seconded by Councilmember Kell carried unanimously on roll call vote. The Mayor does not vote. (9-0-0)

CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20405 introduced by City Manager Stephen Wade, allowing and approving City expenditures for the period October 29, 2022 to November 25, 2022 and enumerating said expenditures therein, was presented.

ORDINANCE NO. 20406 introduced by City Manager Stephen Wade, allowing and approving City expenditures for the period November 26, 2022 to December 30, 2022 and enumerating said expenditures therein, was presented.

RESOLUTION NO. 9381 introduced by Councilmember Karen Hiller, approving a special event known as the 2023 St. Patrick's Day Street Party, was presented. (*Council District No. 1*)

RESOLUTION NO. 9382 introduced by Councilmember Karen Hiller granting The Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. (*Council District No. 1*)

RESOLUTION NO. 9383 introduced by Councilmember Karen Hiller granting The Pennant an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. (*Council District No. 1*)

RESOLUTION NO. 9384 introduced by Councilmember Karen Hiller, approving a special event known as The Pennant's 5 Year Anniversary Celebration, was presented. (*Council District No. 1*)

APPROVAL of Public Works Engineering CONTRACT NO. 51036 between the City of Topeka and WSP USA Inc., in an amount not to exceed \$141,910.04 for engineering services, was presented.

MINUTES of the regular meeting of January 17, 2023, was presented.

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

ORDINANCE NO. 20407 introduced by City Manager Stephen Wade adopting the 2021 International Fire Code, amending Chapter 14.40 of the Topeka Municipal Code and repealing original section, was presented.

Stephen Wade, City Manager, reported the ordinance was discussed at the January 17, 2023, Governing Body meeting and Staff recommends approval as presented.

Councilmember Dobler moved to adopt the ordinance. The motion seconded by Councilmember Kell carried unanimously. The Mayor does not vote. *The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.*

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

ORDINANCE NO. 20408 introduced by City Manager Stephen Wade adopting the 2021 International Building Code, amending § 14.20.010 and § 14.20.060 of the Topeka Municipal Code and repealing original sections, was presented.

Stephen Wade, City Manager, reported the ordinance was discussed at the January 17, 2023, Governing Body meeting and Staff recommends approval as presented.

Councilmember Hoferer moved to adopt the ordinance. The motion seconded by Councilmember Emerson carried unanimously. The Mayor does not vote. *The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.*

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

RESOLUTION NO. 9385 introduced by the members of the Public Infrastructure Committee comprised of Council Members Neil Dobler, Tony Emerson and Michelle Hoferer recommending approval of certain Facility projects for 2023, was presented.

Stephen Wade, City Manager, reported an itemized project list consisting of emergency projects, project revisions and new project requests tied to the Firm Fund as approved by the Public Infrastructure Committee was included in the agenda packet. He noted Braxton Copley, Utilities Director, was available for questions.

Councilmember Emerson, Public Infrastructure Committee Chair, reported the Committee recommended approval of the proposed resolution by a vote of 3-0-0 on January 17, 2023. He noted the resolution has been amended by removing the Firing Range funding request in the amount of \$40,000 to be considered at a later time.

Councilmember Hiller requested all committee support documentation be included in agenda packets. She expressed concern with creating different pools of money as it relates to the approval process of the proposed projects. She questioned if Staff was making enough progress on the planning portion of these projects to be included in the City's Capital Improvement Plan budget proposal this year.

City Manager Wade confirmed Staff plans to include these projects in the CIP process.

Councilmember Emerson moved to approve the resolution. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (10-0-0)

REVISED PROJECT BUDGET in the amount of \$2,324,929 and RESOLUTION NO. 9386 introduced by the Public Infrastructure Committee comprised of Council Members Tony Emerson, Michelle Hoferer and Neil Dobler amending the 2023-2032 CIP and the 2023-2025 CIB increasing the project budget for the NW Tyler Street/NW Beverly Street/NW Paramore Street Project No. T-701034, was presented.

Stephen Wade, City Manager, reported the request to increase the existing capital budget approval by \$566,000 was due to needed improvements with the storm sewer and storm water inlets for drainage. He noted the request was approved by the Public Infrastructure Committee on January 17, 2023.

Councilmember Valdivia-Alcala spoke in support of the project and the profound need in the area for the improvements specifically related to storm water flow and flooding. She noted area tax payers support the project and believe the improvements are long overdue.

Councilmember Valdivia-Alcala moved to approve the revised project budget and the resolution. The motion seconded by Councilmember Emerson carried on roll call vote. Councilmember Kell was out of the room. (9-0-0)

APPROVAL of a CONTRACT NO. 51034 between the City of Topeka and Sylver Consulting, LLC for the purpose of coaching the City of Topeka and other community partners through applying the Path to Innovation methodology to the topic of homelessness in the Topeka community, was presented.

Stephen Wade, City Manager, reported the challenges the City faces concerning the unsheltered population are not improving; therefore, Staff was requesting approval of the proposed

contract with the consultant to look at innovative ways to address the challenges. He provided a short presentation on what actions are being taken by the City to address the challenges including the Equity. Access. Shelter. (EAS) Program, Mobile Access Partnership (MAP); Homeless Task Force (HTF); and the Every Name A Home initiative. He provided background information on public safety calls, the Topeka Police Department's Behavioral Health Unit as well as trash cleanup efforts including a blight crew and trash dumpster placement. He reported in 2022, the City's homeless population count was approximately 360 people, and according to the National Alliance to End Homelessness statistics, a homeless individual costs tax payers approximately \$36,000 per person annually.

Councilmember Dobler questioned if the cost was absorbed solely by the City.

City Manager Wade stated the cost was shared between a variety of agencies including both area hospitals; the Topeka Rescue Mission and the Salvation Army as well as other agencies.

Councilmember Kell questioned the contract and if it would be covering administrative costs. He believes there are many other partnering agencies that could be used to determine best course of actions along with involving the unsheltered community for ideas.

City Manager Wade stated this would be an internal process as well as community driven. He stated as a City, they need to find new ways to help solve problems and provide possible opportunities to improve the homeless situation in Topeka.

Councilmember Valdivia-Alcala stated she believes as a Governing Body they owe an explanation to tax payers and expressed her frustration with the lack of action over the past three years. She read comments posted on area social media outlets of constituents that live in close proximity of encampments and in the community and spoke in support of considering the Built for Zero initiative. She stated she understands this is not just a Topeka problem as it was happening

with municipalities across the country; however, she does not believe Sylver Consulting, LLC has clear ideas to help address the problem and noted constituents do not support the Consultant. She referenced delays in a solution due to Supreme Court decisions; however, she believes the City would greatly benefit from more effective language in current ordinances. She spoke to the importance of the process being transparent, proactive, collaborative and humane as it relates to both sides of the issue. She inquired on the Every Name A Home program.

Barry Feaker, homeless advocate and former Director of the Topeka Rescue Mission, thanked the Governing Body for attempting to tackle this very difficult issue. He provided an overview of the three phases of the Every Name A Home Partnership Game Plan including (1) Homeless Engagement (2) Housing Action Opportunities; and (3) Future Development Considerations. He commended the many community partnerships involved in the Every Name A Home Partnership, Mobile Access Partnership and Equity. Access. Shelter. Program. He mentioned the need for a low barrier emergency shelter.

Councilmember Dobler asked Mr. Feaker if he supports the proposed contract.

Barry Feaker stated he believes there would be merit in having an outside consultant review current initiatives and determine if they are doing it well.

Councilmember Naeger questioned why the City chose Sylver Consulting, LLC and if the proposal would conduct a study or provide education for employees.

City Manager Wade stated proposed services would provide a better understanding of the role of City government and the obstacles Topeka faces by creating solutions and then testing those solutions. He stated the Consultant has been successful in two other communities resulting in the award of \$1 million community grants from Bloomberg Philanthropy.

Councilmember Ortiz thanked City Manager Wade for working on the homeless initiative. She mentioned there have been many good plans and concepts that have been presented to the Governing Body that did not gain traction. She spoke in opposition of the contract and expressed the need to research what was already in place and move forward from that aspect. She referenced the area of SE Croix and Kansas Avenue and the need for area trash to be removed and questioned who is responsible. She expressed the importance of inviting the entire community as part of the solution and the need to take a step back and reevaluate the issue as a whole.

Councilmember Kell questioned if the tiny home concept has been researched and suggested using abandon hotels as a solution so tax dollars are spent more wisely.

Barry Feaker stated that many studies have been conducted on both areas of tiny homes and vacant building homeless solutions. He will provide additional information to the Governing Body on these concepts.

Councilmember Duncan spoke to the seriousness of the homelessness situation in the community and commended City staff, community partners and Governing Body members for working hard to address the problem. He stated he believes Sylver Consulting, LLC was qualified to help them understand the types of laws that could be implemented verses effective programs and provide a more solid direction and workable long-term solution to take the community to the next level.

Councilmember Hiller expressed the importance of the City assisting Mr. Feaker with his efforts as opposed to creating unnecessary delays. She stated she was inclined to understand they need innovative help; however, she hopes the Consultant will look at current ordinances and provide more structure for what the City allows on public and private land as it relates to public safety while being mindful of too much tolerance and encouraging unwanted behavior.

Barry Feaker stated he believes they are on track for a holistic approach and would benefit from an outside perspective. He referenced Topeka's global access partnership and taking homeless efforts to the next level. He noted it would not seem productive for the individuals as well as the community to make it more comfortable for the homeless to continue behaving in the same manner.

City Manager Wade stated it would be a mistake to say the results of these efforts would be an expansion of current services and noted his compassion should not be misunderstood as tolerance. He spoke to the many potential outcomes and was hopefully results would include a multi-function approach.

Councilmember Valdivia -Alcala stated she concurs with comments made by Councilmember Hiller. She referenced homeless encampments across the city and the seriousness of the problem as well as the issue of panhandling and camping related to Supreme Court decisions. She stated she believes the City Attorney continues to work diligently to address the problem and create a solution; however, solutions have to be created based on the understanding of current ordinances.

Mayor Padilla spoke to the comments made and the overall desire to get things done. He recognized City employees as great problem solvers; however, he believes the City could benefit from review by an outside consultant. He asked the Consultant to consider and enhance what the City already has in place as well as ensure actionable solutions that relate to the Topeka community.

Councilmember Emerson spoke in support of actionable items that will make an impact on the community.

Councilmember Dobler spoke to the difficulty of defining a clear solution. He reminded Governing Body members that City Manager Wade was hired to bring them the best tools to address the problem, and he believes approval of the contract would be moving the City in the right direction. He suggested an hourly rate not to exceed a total amount of \$64,000 be included in the contract to help them understand the cost or if there was a need to add services at a later date.

Councilmember Valdivia-Alcala asked if community partners have been asked to share in the cost of the contract. She suggested the City reach out to Shawnee County to collaborate on the homeless crisis because the County owns and maintains parks within the city limits. She inquired on the City Manager's plan of action and if there would be routine updates provided to the Governing Body.

City Manager Wade stated they have not approached community partners; however, he believes there would be a desire by all to address the problem. He confirmed as part of the process regular updates would be provided to the Governing Body.

Councilmember Valdivia-Alcala stated she would support approval of the contract due to the collaborative mindset of the Governing Body displayed during the discussion and the assurance they would receive regular updates from the City Manager.

Councilmember Kell stated he would be more inclined to support the contract if it was supported by Shawnee County. He suggested deferring the contract until February 21, 2023, to determine if partnering agencies would be interested in helping pay the consultant fee. He noted Sylver Consultant, LLC does not appear to be an expert in homelessness solutions.

Councilmember Dobler stated he believes the City needs to take the lead on the issue and move forward with the initiative. He noted partners will be found as solutions evolve.

Councilmember Naeger spoke in support of what she believed would be a worthwhile investment and noted the consultant fee would cost tax payers the same amount as supporting two homeless people for one year. She stated she concurs with Councilmember Dobler and believes the City needs to be a leader on the initiative because they have been talking about a solution for a long time.

Councilmember Valdivia-Alcala expressed the importance of community partners being held accountable and Governing Body members helping to support current initiatives and promote the Equity. Access. Shelter. (EAS) Program.

Councilmember Emerson asked City Manager Wade if the contract could be structured to include an hourly rate not to exceed \$64,000 as stated by Councilmember Dobler as well as include a statement that would allow the contract to be terminated at any time if services were not delivered as expected.

City Manager Wade confirmed the suggested provisions could be negotiated.

Councilmember Emerson moved to approve the contract with the provisions as stated. The motion seconded by Councilmember Naeger carried on roll call vote. Councilmembers Ortiz and Kell voted “no.” (8-2-0)

PUBLIC COMMENT was provided by the following individual:

Robert Troupe Jr. suggested filling vacant buildings owned by the State of Kansas and vacant military bases for the homeless population, keeping them separated from neighborhoods. He commented on the lack of police response to gun fire in east Topeka after midnight and suggested increased police presence throughout the city after midnight. He suggested the City work to secure an airport, bus station and train station for its residents.

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

Stephen Wade, City Manager, announced Freddy Mawyin would serve as the new Chief Financial Officer (*former position title of Administrative and Financial Services Director*) and Randi Stahl would serve as the new Chief Information Officer (CIO) (*former position title of Information Technology Director*). He stated CIO Stahl would lead a 21-member team responsible for all telecommunications, computing and business system functions for the City.

Councilmember Kell commented on the importance of Black History Month.

Councilmember Naeger encouraged citizens to participate in the City of Topeka Fire Department Smoke Alarm Program, which is free to the community. She also encouraged citizens to take the initiative to create a community garden and reach out to the City and Topeka-Shawnee County Public Library for more information.

Councilmember Hoferer thanked the Fire Department for installing smoke alarms in her home and their efforts in extinguished a grass fire at SW 6th and Fairlawn. She also encouraged the public to visit the Daniel Tiger's Neighborhood Exhibit at the Kansas Children's Discovery Center, located at 4400 SW 10th Avenue, Topeka.

Councilmember Hiller announced the Topeka United Mosaic Partnership Pairing Program was in its 3rd year of working to help build a community to celebrate diversity, equity and creating a safe space to talk about difficult issues. She noted the program welcomes youth participation.

Councilmember Valdivia-Alcala offered prayers to the Ram Family involved in a recent house fire at 214 NE Chandler Street. She recognized February as Black History Month and commended Rodney Harmon for his epic community interviews of diverse stories in celebration of Black History.

Councilmember Ortiz thanked the Governing Body for promoting the City's smoke alarm program.

Mayor Padilla announced on January 27, 2023, in partnership with K-State Research and Extension and United Way of Kaw Valley, the Greater Topeka Partnership hosted a poverty simulation experience allowing the community to see the struggles of those on the borderline and living in poverty. He recognized February 1-7, 2023 as National Gun Survivors Week and acknowledged those that have been touched by gun violence including law enforcement and other community advocates.

Councilmember Kell moved to recess into executive session not to exceed 45 minutes for consultation with the city attorney to discuss attorney-client privileged matters regarding multiple individual cases as justified by K.S.A. 75-4319(b)(2). The open meeting will resume in the Cyrus K. Holliday Building, First Floor Conference Room. The following Staff assisted the Governing Body in its deliberations: City Manager Wade, City Attorney Stanley, and Chief of Litigation Shelly Starr. 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." The motion carried unanimously on voice vote. (10-0-0)

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 Emerson moved to recess into executive session not to exceed 30 minutes to discuss employer/employee negotiations relating to one or more unions as justified by KSA 75-4319(b)(3). The open meeting will resume in the Cyrus K. Holliday Building, First Floor Conference Room. The following staff assisted the Governing Body in its deliberations: City

Manager 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.” The motion carried on voice vote. Councilmember Ortiz voted “no.” (9-1-0)

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 9:00 p.m.

(SEAL)

Brenda Younger City Clerk