

Governing Body Minutes – February 14, 2023

CYRUS K. HOLLIDAY BUILDING, Topeka, Kansas, Tuesday, February 14, 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, Ortiz, Kell, Duncan, Dobler and Hoferer -6. Councilmembers Emerson and Naeger participated remotely -2. Absent: Councilmember Valdivia-Alcala -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 by no later than 5:00 p.m. on February 14, 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 14, 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.

CONSENT AGENDA was presented as follows:

APPROVAL of Utilities CONTRACT NO. 51054 between the City of Topeka and Bartlett and West, Inc., in an amount not to exceed \$209,382.13 for engineering services, was presented.

MINUTES of the regular meeting of February 7, 2023, was presented.

Councilmember Ortiz moved to approve the consent agenda. The motion seconded by Councilmember Kell carried unanimously on roll call vote. (9-0-0)

ORDINANCE NO. 20409 introduced by City Manager Stephen Wade annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, located northeast of SW 29th Street and SW Auburn Road, within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes, was presented. (A22/3) (Council District No. 8)

Stephen Wade, City Manager, stated the Auburn Washburn Unified School District has requested annexation of land for a new middle school.

Councilmember Duncan thanked City Staff and community members for their assistance in ensuring a good process was followed by answering all questions related to the project. He reported many public meetings were conducted to provide detailed information, and noted only the amount of land needed to construct the school was being proposed for annexation. He stated topics discussed included internal traffic circulation, improvements to 29th Street, the sufficiency of on-site parking, sidewalk connections to adjacent neighborhoods, stormwater management, and infrastructure maintenance responsibilities of Shawnee County and the City of Topeka.

Councilmember Dobler spoke in support of the annexation as they look to grow the community. He referenced the area west of SW Auburn Road and noted upon approval, the area would be available for new development. He asked if it was anticipated there would be an extension of residential development in that area.

Dan Warner, Planning Division Director, confirmed residential development could occur in that area.

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

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

ORDINANCE NO. 20410 introduced by City Manager Stephen Wade 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 the northeast corner of SW 29th St. and SW Auburn Rd. FROM “RR-1” Residential Reserve District and “PUD” Planned Unit Development with “R-1” Single Family Dwelling District, “O&I-1” Office & Institutional District, and “C-2” Commercial District use groups TO “R-1” Single Family Dwelling District, was presented. (Z22/06) (Council District 8)

Stephen Wade, City Manager, stated the proposed zoning change would allow the property to be developed as a middle school for the Auburn Washburn Unified School District.

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.

Ex parte communication was declared by Councilmember Duncan.

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

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

ORDINANCE NO. 20411 introduced by City Manager Stephen Wade 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 properties located at 400 & 500 SW Washburn, from R-2 Single Family Dwelling District and X-1 Mixed Use District to PUD Planning Unit Development with M-2 Multiple-Family Dwelling District and X-1 Mixed Use District uses, respectively, was presented. (*Council District No. 1*) (*PUD23/01*)

Stephen Wade, City Manager, stated approval will allow the property located at 400 SW Washburn Avenue to be partially redeveloped into apartment units and the property located at 500 SW Washburn Avenue to be used as parking for the new apartment units.

Councilmember Duncan referenced the location of the parking lot and asked if the small garage structure would remain on the site.

Dan Warner, Planning Division Director, confirmed the building would remain on site.

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.

Ex parte communication was declared by Councilmembers Duncan and Hiller.

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

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

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

Brenda Younger, City Clerk, provided an overview of the February 21, 2023, Governing Body regular meeting agenda.

Stephen Wade, City Manager, announced a Special Meeting (Work Session) of the Governing Body would be held February 15, 2023, at the Law Enforcement Center, Class Room A, located at 320 S. Kansas Avenue, Topeka, Kansas, from 1:00 p.m. to 5:00 p.m.

Councilmember Emerson congratulated Randy Wheat, owner of Haus Janitorial Services, for his service to the community and thanked Mayor Padilla for proclaiming February 14, 2023, as “Haus Janitorial Services Day” in the City of Topeka.

Councilmember Kell expressed the importance of citizens and Governing Body members supporting local youth sports leagues.

Councilmember Naeger thanked City Staff for working to keep citizens safe during inclement weather events. She encouraged everyone to celebrate Black History Month and make an effort to learn more about Black history and the influence it has on our community.

Councilmember Duncan announced the Grand Opening of the Topeka Zoo Giraffe & Friends Exhibit on March 10, 2023. He thanked City Attorney Amanda Stanley and City Staff members for providing testimony at the Kansas State Capitol on important issues.

Councilmember Hiller commended Randy Wheat, owner of Haus Janitorial Services, for his contributions to the community and serving as a great mentor. She announced Topeka United would accept applications for the Mosaic Partnership Pairs program until February 28, 2023.

Councilmember Ortiz thanked City Attorney Amanda Stanley for drafting the perfectly worded Proclamation honoring Haus Janitorial Services on February 14, 2023. She congratulated Randy Wheat, owner of Haus Janitorial Services, for his accomplishments and his willingness to serve others.

Mayor Padilla commented on the great community celebration honoring Randy Wheat, owner of Haus Janitorial Services, and encouraged people to look at how they too can work together for the betterment of the community. He asked Topeka Police Chief Bryan Wheelles to comment on the Department's efforts to expand the demographics of Police Department applicants.

Bryan Wheelles, Topeka Police Chief, reported the Topeka Police Department has partnered with community members and organizations in the Hi-Crest Neighborhood for the purpose of taking actionable steps to support diversity, equity and inclusion in the hiring processes. He thanked Governing Body members for allowing him to serve the city and be a part of the City's leadership team.

Councilmember Dobler moved to recess into executive session not to exceed 30 minutes to discuss matters related an individual employee, pursuant to KSA 75-4319(b)(1). The open meeting will resume in the Cyrus K. Holliday Main First Floor Conference Room. The following staff may be needed to assist the Governing Body in its deliberations: City Manager Wade and any other staff he deems 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 unanimously on voice 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.

Councilmember Dobler moved to recess into executive session not to exceed 15 minutes to continue discussion on matters related to an individual employee, pursuant to KSA 75-4319(b)(1). The open meeting resumed in the Cyrus K. Holliday 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 Ortiz.

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. (9-0-0)

Following a 15-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 7:19 p.m.

(SEAL)

Brenda Younger City Clerk