

## **Governing Body Minutes - February 21, 2023**

CYRUS K. HOLLIDAY BUILDING, Topeka, Kansas, Tuesday, February 21, 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, Emerson, Kell, Duncan, Dobler and Hoferer -6. Councilmembers Ortiz, Valdivia-Alcala, and Naeger 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](mailto:cclerk@topeka.org) by no later than 5:00 p.m. on February 21, 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 February 21, 2023, for attachment to the meeting minutes.

AFTER THE MEETING was called to order Reverend Barry Peaker, homeless advocate and former Director of the Topeka Rescue Mission, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Jay Van Blaricum to the Topeka Sustainability Advisory Board for a term ending February 21, 2025, was presented. *(Council District No. 6)*

ADVISORY COUNCIL APPOINTMENT of Carrie Hagemann to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending February 21, 2025, was presented. *(Council District No. 4)*

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

PRESENTATION on the City of Topeka 2022 Fourth Quarter Financial Report was presented by Freddy Mawyin, Chief Financial Officer.

Stephen Wade, City Manager, stated the funding recommendations would not be presented to the Governing Body for approval until April when final numbers for 2022 have been received. He noted the \$250,000 slated for the Land Bank Program could also be used for an Affordable Housing Trust Fund.

Councilmember Duncan announced his plans to meet with Staff to draft an affordable housing trust fund activation plan for consideration by the Governing Body in the near future.

Councilmember Hiller thanked Staff for the presentation. She referenced previous land bank ideas that have been presented to the Governing Body and asked Councilmember Duncan to make sure he includes why it was needed, how it would be used, and who would manage the program. She noted other cities have failed at creating a land bank or it has turned out to be very expensive to implement and maintain. She referenced past discussions by the Governing Body regarding the Housing Trust Fund and believes their intent was to contribute no more funding until private monies was raised. She noted the City already has the ability to provide affordable housing through other programs as well as own and transfer land.

Councilmember Dobler stated he looks forward to the details of the Land Bank and Affordable Housing Trust Fund initiatives. He thanked Staff for establishing a City of Topeka Revolving Design Fee Fund, and encouraged Staff to implement a mechanism that would prevent the use of design fees on projects that may not be completed and bonded.

CONSENT AGENDA was presented as follows:

RESOLUTION No. 9387 introduced by Councilmember Christina Valdivia-Alcala, approving a special event known as the NOTO in Bloom, was presented. (*Council District No. 2*)

APPROVAL of Utilities Professional Services Engineering CONTRACT NO. 51081 between the City of Topeka and Bartlett and West, Inc., in the amount of \$10,000, for a total contract amount not to exceed \$183,000 for the purpose of providing program management through year 2023 for the Annual Water Replacement Program, was presented.

MINUTES of the regular meeting of February 14, 2023, was presented.

Councilmember Valdivia-Alcala moved to approve the consent agenda. The motion seconded by Councilmember Kell carried on roll call vote. Councilmember Dobler abstained. (9-0-1)

RESOLUTION NO. 9388 introduced by City Manager Stephen Wade making certain findings pursuant to the Kansas Rural Housing Incentive District Act with regard to an application submitted by Mission Ridge, LLC to establish a Rural Housing Incentive District and requesting that the Kansas Secretary of Commerce review the Resolution, and advise the Governing Body, was presented.

Stephen Wade, City Manager, stated approval of the proposed resolution was the first step in the process of establishing a district and adopting a plan, and noted State law requires review of the resolution by the Kansas Secretary of Commerce. He reported any suggestions by the Secretary would be incorporated into a final application presented to an internal City of Topeka RHID (Rural Housing Incentive District) review panel, with final approval of the application by the Governing Body.

Councilmember Hiller asked Staff if they believe there was a gap in housing that would

make the application eligible.

Stephen Wade, City Manager, reported Staff believes the District was needed.

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

APPROVAL of Amendment No. 1 to City of Topeka CONTRACT NO. 49771, with the Fraternal Order of Police (FOP) concerning residency and wages for 2023 and 2024, was presented.

Stephen Wade, City Manager, reported City of Topeka FOP Contract No. 49771 provisions in Article 14, Section 3, triggered a contract reopener to discuss residency following the passage of Ordinance No. 20370, revising the residency requirements for City employees. He also reported that it was agreed to reopen wages for 2023 and 2024, and after brief negotiations, both parties tentatively agreed to the provisions in the amendment, ratified by the FOP on February 16, 2023. He stated the proposed agreement provides for competitive base salary as compared to the Shawnee County Sheriff Department. He noted the increases for 2023 and 2024 were slightly over 3% and totaling over \$800,000 each.

Councilmember Valdivia-Alcala questioned when the contract was negotiated and if this was the first time a contract was reopened prior to expiration. She also questioned the status of fair wages for City employees making below the living wage of \$17 per hour and asked how many City employees are included in that pay level. She stated she would oppose the contract and expressed concern with setting a precedence of reopening contract negotiations unnecessarily and the importance of treating all union contracts fairly.

City Manager Wade stated the original contract was negotiated in September 2021, and he was unsure of the historical data related to reopening negotiations prior to contracts expiring.

He reported progress continues to be made on increasing hourly pay rates, however, he would have to report back on employee numbers.

Councilmember Dobler spoke in support of the contract. He referenced the approximate \$6 million in General Fund savings in 2022 and noted, the proposed salaries would absorb only a small percentage of the overall savings while allowing the City to revise salaries negotiated 1 to 2 years ago that are now out of date.

Councilmember Duncan spoke in support of the contract as it supports the City's new residency policy as well as the increases were based on fair market value salary. He reminded Governing Body members in 2022 wages across the board were increased, and the importance of the City remaining competitive relating to hiring and retaining public safety employees.

Councilmember Hiller reported the contract will cost the City approximately \$2.5 million over the next 2 years. She questioned if the City was expecting to use the estimated December 2022 Sales Tax funds in the amount of \$2,939,926 to cover the entire amount.

Stephen Wade, City Manager, stated it was anticipated the full amount would be paid with Sales Tax revenues.

Councilmember Ortiz stated she struggled with supporting the proposed contract and expressed the importance of being fair and reviewing contracts for all unions. She stated she believes the recent change in the City's residency policy will not fix the problem of filling vacancies as she believes it relates more to salary compression across all City departments especially within the Fire Department.

Councilmember Kell spoke in support of the contract as it allows the City to be competitive and it brings in new people as well as helps retain current employees. He spoke to

the difficulty of retaining police officers due to burnout. He stated he concurs with other Councilmembers and believes all union contracts need to be considered for review.

Councilmember Kell moved to approve the contract amendment. The motion seconded by Councilmember Dobler. Councilmember Valdivia-Alcala voted no. (9-1-0)

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

Stephen Wade, City Manager, reported on behalf of the City of Topeka, he accepted the "Sleeves Rolled Up" award from the Topeka Rescue Mission honoring City employees that helped with the warming center that was opened during the severe cold weather in December 2022.

Mayor Padilla thanked City of Topeka employees, community partners and citizens for volunteering and taking care of the unsheltered population during the severe cold weather.

Councilmember Kell congratulated area high school students that qualified for the 2023 High School State Bowling Tournament.

Councilmember Naeger encouraged residents to highlight Black History Month and patronize African American business owned restaurants and mobile food vendors all across the city. She announced the art work of local African American artists was on display in the NOTO Arts District Gallery located 935 S. Kansas Avenue, Topeka. She reported free income tax assistance was being offered through the Shawnee County Extension Office at 785-207-9427.

Councilmember Dobler announced the grand opening of the University of Kansas-St. Francis Campus Urgent Care facility located at 2641 SW Wanamaker Road, Topeka.

Councilmember Duncan announced he would host District 8 "Office Hours" for constituents on February 23, 2023, at Fairlawn Plaza Shopping Center located at 2114 SW

Chelsea Drive, Topeka from 4:30 p.m. to 6:00 p.m.

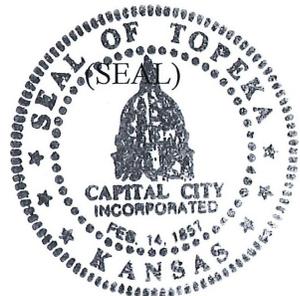
Councilmember Hiller encouraged residents to celebrate Black History Month and continue to support local African American business owned restaurants and mobile food vendors.

Councilmember Valdivia-Alcala stated on behalf of the Oakland Neighborhood Improvement Association (NIA) she would like to thank Topeka Fire Chief Randy Phillips for attending their NIA meeting. She extended her condolences to the family of Judy Wilson, former Safe Streets Coalition National Night Out Coordinator and Community advocate.

Councilmember Ortiz announced she attended the 20th Annual Founders Day Banquet at the Open Arms Ministries Church of God in Christ located at 2401 SE 11th Street, Topeka, and congratulated Superintendent S.C. Mitchell and his staff members for their accomplishments. She welcomed new City of Topeka Staff members and encouraged them to participate in the Topeka Fire Department's free smoke detector program. She thanked Chase Middle School for inviting her to career day and asked City Attorney Amanda Stanley if she would draft a petition on behalf of the students, seeking community support for a "Raising Cane's Chicken Fingers" restaurant in Topeka. She noted the students informed her they would like to see an amusement park in Topeka; expressed their gratitude for the City's homelessness initiatives; and requested the community take better care of their pets.

Ernestor De La Rosa, Chief Diversity, Equity and Inclusion (DEI) Officer, invited citizens, Governing Body members and Staff to join local pastors in collaboration with Mayor Padilla in honoring the Topeka High School Boys Varsity Basketball Team for their outstanding sportsmanship on March 6, 2023, at the Topeka Performing Arts Center located at 214 SE 9th Street, Topeka at 6:00p.m.

NO FURTHER BUSINESS appearing the meeting adjourned at 7:04 p.m.



*Brenda Younger*  
Brenda Younger City Clerk