

Governing Body Minutes – May 9, 2023

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, May 9, 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, and Dobler -5. Councilmembers Ortiz and Naeger participated remotely -2. Absent: Councilmember Valdivia-Alcala and Hoferer -2. 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 May 9, 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 May 9, 2023, for attachment to the meeting minutes.

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

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9409 introduced by Councilmember Karen Hiller, approving a special event known as the Second Saturday Summer Concert Series, was presented. (*Council District No. 1*)

RESOLUTION NO. 9410 introduced by Councilmember Karen Hiller approving a special event known as Sunshine Reggae Festival. (*Council District No. 1*)

RESOLUTION NO. 9411 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. 9412 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)*

APPROVAL of a Professional Design Build CONTRACT NO. 51267 between the City of Topeka and John Rohrer Contracting Co., Inc., for the purpose of providing structural design and construction administration efforts for the downtown parking garages, was presented.

RESOLUTION NO. 9413 introduced by Councilmember Hiller, approving a special event known as the Eats & Beats Summer 2023, was presented. *(Council District No. 1)*

APPROVAL of a proposed settlement agreement of an employment claim and release of all potential claims and liens in exchange for \$200,000, was presented.

MINUTES of the regular meeting of May 2, 2023, was presented.

APPROVAL of the following Cereal Malt Beverage license applications was presented:

<u>Business Name</u>	<u>Address</u>
ALDI #9	2320 NW Clay St
ALDI #54	1530 SW Arvonian Pl
ALDI #83	105 SW 29 th St
Casey's #2261	600 SE Rice Rd
Casey's #2312	4441 SE California Ave
Casey's #3580	6741 SW 21 st St
Casey's #3971	2133 N Kansas Ave
Dillons #47	2815 SW 29 th St
Dillons #54	800 NW 25 th St
Dillons #67	2010 SE 29 th St
Dillons #87	5311 SW 22 nd Pl
Dillons #88	4015 SW 10 th St
Hy-Vee	2951 SW Wanamaker Rd

<u>Business Name</u>	<u>Address (continued)</u>
Hy-Vee Gas	6011 SW 29 th St
Kwik Shop #705	1114 NW Topeka Blvd
Kwik Shop #713	5700 SW 21 st St
Kwik Shop #720	102 SE 37 th St
Kwik Shop #757	2619 SW 21 st St
Kwik Shop #780	5220 SW 6 th Ave
Kwik Shop #781	4500 SW Topeka Blvd
Kwik Shop #789	746 NE Wabash Ave
Kwik Shop #791	1700 SW Topeka Blvd
Kwik Shop #796	3706 SW Burlingame Rd
Sam's Club #8176	1401 SW Wanamaker Rd
Walmart #1802	1501 SW Wanamaker Rd
Walmart #2131	1301 SW 37 th St
Walmart #5441	2600 NW Rochester Rd
Walmart #6392	2630 SE California Ave
Walmart #6585	335 SW MacVicar Ave

Councilmember Emerson moved to approve the consent agenda. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (8-0-0)

ORDINANCE NO. 20423 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 1404 SW 17th Street on Lots 228, 230, 232, 234, 236, & 238 of the Byron Place Subdivision FROM “C-2” Commercial District TO “X-1” Mixed Use District, was presented. (Z23/08) (*Council District No. 1*)

Stephen Wade, City Manager, stated the “X-1” zoning designation is consistent with the Central Park Neighborhood Plan and was approved by the Planning Commission on March 17, 2023 by a vote of 6-0-1 and is supported by Staff.

Councilmember Hoferer entered the room.

Dan Warner, Planning Division Director, stated the request would accommodate the expansion of a new business of an existing building. He reported the “X-1” designation has less

restrictive setback requirements than “C-2” and is appropriate in this instance because it is consistent with the Neighborhood Plan.

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.

No ex parte communication was declared by all Governing Body members.

Councilmember Hiller moved to approve the ordinance. The motion seconded by Councilmember Kell carried unanimously.

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

ORDINANCE NO. 20424 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 on property located at 1921 SE Indiana Avenue from “R-1” Single Family Dwelling District to “PUD” Planned Unit Development with “R-1” Single Family Dwelling District and operation of an independent living resources center, was presented. (*PUD 23/03*) (*Council District No. 3*)

Stephen Wade, City Manager, reported the subject property is located in the Central Highland Park Neighborhood and is consistent with the Neighborhood Plan. He noted the request

was approved by the Planning Commission by a vote of 6-0-1 on April 17, 2023 and Staff concurs with the approval.

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.

No ex parte communication was declared.

Councilmember Ortiz moved to approve the ordinance. The motion seconded by Councilmember Naeger carried unanimously.

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

ORDINANCE NO. 20425 introduced by City Manager Stephen Wade, concerning floodplain management, amending Sections 17.30.010 through 17.30.040, 17.30.070, 17.30.090, 17.30.150, 17.30.170 through 17.30.220, 17.30.250 and 17.30.260 of the Topeka Municipal Code and repealing original sections, was presented. (*The Public Infrastructure Committee recommended approval by a vote of 3-0-0 on March 30, 2023.*)

Stephen Wade, City Manager, stated approval would amend the flood plain regulations in accordance with State requirements and make the City eligible for lower flood insurance premiums.

Richard Faulkner, Development Services Director, reported the Community Rating System (CRS) sponsored by FEMA has a program that will provide a reduction in the flood insurance premiums for communities that are members of the CRS and have adopted an ordinance that reflects current Federal floodplain regulations. He stated the proposed ordinance reflects those current regulations and before the City can participate in the CRS program, the State's Floodplain Coordinator had to evaluate the City's floodplain program to ensure compliance with FEMA and State requirements. He reported the review has been completed, and it has been determined the City may move forward with its request to participate in CRS program.

Councilmember Dobler, Public Infrastructure Committee member, reported the ordinance was reviewed by the Committee and Staff has made the recommended changes. He spoke in support of the ordinance as it would provide for better flood insurance rates.

Councilmember Dobler moved to approve the ordinance. The motion seconded by Councilmember Emerson carried unanimously.

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

RESOLUTION NO. 9414 introduced by City Manager Stephen Wade establishing the City's 2024 budget and grant priorities, was presented.

Stephen Wade, City Manager, stated this was the first step in City of Topeka 2024 fiscal budget and Staff is requesting approval of the annual priorities. He reported approval of the proposed resolution would adopt the three strategic planning outcomes approved by the Governing Body as the 2024 budget priorities which include (1) Housing (2) Community Appearance and (3) Growth.

Councilmember Naeger moved to approve the resolution. The motion was seconded by Councilmember Emerson.

Councilmember Hiller distributed an alternate resolution for consideration. She spoke in support of the new language on lines 12-15 regarding improving performance and cost-effectiveness. She stated she believes as they review the budget priorities they should also include a general list of the fundamentals of municipal government as well as the City of Topeka, as both are priorities for funding, performance management, cost-effectiveness etc. She suggested the following amendments to the proposed resolution:

- Delete the words “and grant” on line 6 of the resolution.
- Insert the following language beginning on line 19, “**FUNDAMENTALS:** The City will provide excellent and cost-effective services in the areas of streets, street maintenance, water and sewer utilities, public safety in the areas of police and fire, property maintenance and building and zoning code policy and enforcement and planning; and will collaborate with others in the areas of economic development, emergency management, ambulance services, parks and recreation, mental health services, social services, homelessness, the Library, two airports, and train service, transit, service as the capital city and amenities such as the Zoo and arts and culture.”
- Add a section titled “Growth Priorities” on line 27

Councilmember Duncan asked if the proposal submitted by Councilmember Hiller would impact the City’s new performance based budgeting process.

City Manager Wade stated it would not have an impact on the budget process.

Councilmember Hiller made a substitute motion to approve the alternate resolution as distributed. The motion was seconded by Councilmember Emerson.

Councilmember Dobler questioned why the library, two airports, train service and transit were included in the language and noted, all operate under separate budgets.

Councilmember Hiller stated those entities were included because the City collaborates and defers to them for service; however, the City does control the mill levy for Transit service.

Councilmember Dobler made a friendly amendment to delete “the library”, “two airports” and “train service” and “service as the capital city” on lines 24-25 because these other entities operate under separate budgets.

The “Fundamentals” Section would read as follows:

“FUNDAMENTALS: The City will provide excellent and cost-effective services in the areas of streets, street maintenance, water and sewer utilities, public safety in the areas of police and fire, property maintenance and building and zoning code policy and enforcement and planning; and will collaborate with others in the areas of economic development, emergency management, ambulance services, parks and recreation, mental health services, social services, homelessness, ~~the Library, two airports, and train service,~~ transit, ~~service as the capital city~~ and amenities such as the Zoo and arts and culture.”

Councilmember Hiller accepted the friendly amendment. The second concurred.

Councilmember Dobler asked the City Manager if the focus of the budget would be to address the three priorities approved by the Governing Body.

City Manager Wade confirmed the focus would be on the three main priorities as approved by the Governing Body concerning Housing, Community Appearance and Growth.

The substitute motion to approve the alternate resolution as amended carried unanimously on roll call vote. (9-0-0)

RESOLUTION NO. 9415 introduced by City Manager Stephen Wade, adopting a Title VI Policy for the City of Topeka, was presented.

Stephen Wade, City Manager, stated because the City of Topeka receives federal funding Staff was requesting an adoption of a Title VI Policy that prohibits discrimination on basis of race, color and national origin for any program or activity that receives those Federal funds.

Ernestor Da La Rosa, Chief Diversity Equity and Inclusion (DEI) Officer, reported as a requirement from the Kansas Department of Transportation (KDOT) involving all City programs and activities, Staff has completed a Title VI Policy and Plan which prohibits discrimination on

the basis of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financing assistance. He stated the policy is required for the City of Topeka to remain in good standing with State and Federal Governments as well as provides a complaint procedure and process for anyone who believes they have been subject to discrimination.

Councilmember Duncan spoke in support of the resolution and asked if approval was a Federal requirement.

Councilmember Emerson asked if approval of the resolution would change any current procedures of the City.

Chief DEI Officer De La Rosa stated approval is a federal requirement and considered procedural in nature as it relates to the application process; however, the City's Plan is comprehensive as it relates to setting policy language, procedural implementation plan designating the Title VI Coordinator and responsibilities, as well as a Limited English Proficiency Plan to address language barriers. He stated approval would ensure the City has a policy and plan in place and it would not change current procedures.

Councilmember Naeger thanked Staff for implementing a policy and plan. She noted the City of Topeka nondiscrimination ordinance outlines the law and this resolution would put that law into motion if there were any type of discrepancies.

Councilmember Ortiz asked how often the Title VI Plan has to be approved.

Chief DEI Officer De La Rosa stated there is no set approval requirement but instead, the City must maintain the Plan, and will be audited to make sure the Plan is updated and accurate.

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

DISCUSSION concerning establishment of the Topeka Land Bank Pilot Program and Administration Policy Guidelines, was presented. (*Continued from the May 2, 2023 Governing Body meeting.*)

Councilmember Duncan stated he has nothing new to report and noted the changes he proposed at the May 2, 2023, Governing Body meeting have been incorporated in the ordinance. He noted he spoke with former City employee Kevin Rooney who provided him with the history of the City's land bank efforts as well as insight on in-fill development and incentives. He reported the ordinance was slated for approval on May 16, 2023.

Councilmember Hiller stated she believes the changes are good and could be strengthened for the pilot period. She spoke in support of the mix of members on the Board of Trustees and the fact it will follow the City's policy and guidelines as well as the provision regarding the land bank. She suggested they include language in the ordinance that the land bank would not be used for rental properties.

Councilmember Duncan stated the "rental" question is a policy question for the Governing Body and he remains flexible during the pilot period. He suggested the language concerning for-profit rentals be removed if it was the desire of the Governing Body.

Councilmember Kell suggested a compromise by allowing home owners in the first year of the program and then consider rentals towards the end of the pilot program period.

Councilmember Duncan suggested they include a stipulation that rentals must be approved by the City Manager. He asked Staff to comment on the rental aspect of the pilot program.

City Manager Wade stated he understands the desire to have flexibility; however, from Staff's perspective and because it is a pilot program, they want to keep it fairly simple by

investing \$500,000 with the hope of building eight properties so it is easy to evaluate.

Rhiannon Friedman, Interim Planning and Development Director, stated she concurs with City Manager Wade.

Councilmember Hiller provided comments as it relates to the history of the City's land bank efforts as well as in-fill and rehab programs utilized by the City. She stated she wants to make sure the proposal interfaces with the programs already in place while having the flexibility within the land bank language to make a difference by doing something the City is not already doing.

Councilmember Kell suggested utilizing hotels for rentals, shelters or apartments.

Councilmember Dobler expressed his appreciation to Staff for their assistance with the plan and believes it is workable.

Councilmember Duncan stated he would continue to discuss the rental aspect with City Manager Wade before the May 16, 2023, Governing Body meeting, however, community feedback reflects how the ordinance is written.

Mayor Padilla thanked Staff and Councilmember Duncan for their work on the proposal as he believes it provides an opportunity for the City to learn a lot about a land bank program over the next three years.

DISCUSSION regarding the proposed 2024-2033 Capital Improvement Plan (CIP) and 2024-2026 Capital Improvement Budget (CIB). (*Continued from the meeting of May 2, 2023.*)

City Manager Wade asked if the Governing Body was comfortable with the CIP projects that have been presented to date.

Councilmember Duncan stated he has questions about the SW Huntoon Street Project. He stated he believes the neighbors are not ready to undergo a \$20 million project that will take years to complete. He stated he is not opposed to a smaller project to improve the street.

Councilmember Kell expressed his concerns for the Intersection at NE Kansas Avenue and Gordon Street. He stated he wants to look at overall investment dollars in the NOTO District as well as reach out to area businesses to get their input on the project.

Councilmember Dobler concurred with Councilmember Duncan about the Huntoon Street Project. He stated he believes the 17th Street Project as well as the Huntoon Street Project are funded with Shawnee Countywide Sales Tax revenue. He referenced the JEDO Interlocal Agreement and noted this would be a good time to receive a project status update on the Sales Tax program to determine if they need to increase costs in the CIP for applicable projects.

Councilmember Emerson concurred with Councilmember Duncan regarding the Huntoon Street Project. He stated he believes street improvements tend to be too extensive or not enough. He spoke in support of completing as many mill and overlay street repairs as possible instead of one expensive project that leaves the area in disrepair for several years.

City Manager Wade asked if it was the consensus of the Governing Body to take a second look at the Huntoon Street project.

Councilmember Hiller stated she thought there would be more discussion on the SW Huntoon Street Project. She commented on the issues with the 12th Street Project; however, it turned out to be a very nice street when completed.

Councilmember Naeger spoke in support of taking a break from extensive improvements to the Huntoon Street area and work to build a better process from what they have learned from the 12th Street Project. She expressed her hope of the project remaining in the CIP.

Councilmember Duncan asked Staff to provide the Governing Body with more improvement options to consider for the SW Huntoon Street Project.

City Manager Wade stated the project could be delayed or modified before moving forward.

Councilmember Emerson spoke in support of general improvements to SW Huntoon Street and noted constituents support less expensive options for street improvements.

Councilmember Kell questioned the need for bike lanes throughout the city and if there was a need for bike lanes on SW Huntoon Street.

Councilmember Dobler requested an update on the approximate nine Countywide Sales Tax Projects, including an overview of how much money remains as well as projected revenue.

Councilmember Hiller spoke to the projects coming up with multi-funding sources and the importance of packaging as one single project to be more efficient with the monies.

Braxton Copley, Public Works Director, confirmed when possible one prime contractor was used on projects. He reported on the following updated and new projects in the CIP:

- SW Topeka Boulevard from SW 21st Street to SW 29th Street \$1.85 million to \$2.15 million (Updated)
- SE Golden from I-470 to SE 21st Street \$200,000 (New)
- Polk-Quincy Viaduct East to include full construction of I-70 from the end of Polk-Quincy Viaduct West to approximately SE Indiana (includes bridges over Adams and Shunga Creek). City would provide 10% match for the project at \$18.6m (\$19m including financing). Tentative project start in 2028.

City Manager Wade stated the Polk-Quincy East project was the result of new conversations with the KDOT and are not included in the CIP book.

Mayor Padilla asked about the project timeline and when the project would need to be approved by the Governing Body.

Public Works Director Copley reported the project would start moving forward in August 2023 and is slated to begin construction in 2028. In regards to Huntoon Street improvements,

public engagement and consideration of design would take place in 2024, with completed design in 2025, followed by utility relocation in 2026, and construction in 2027-2029.

Sylvia Davis, Utilities Director, highlighted the following Utility Programs:

- Water Main Replacement
- Meter Vault Replacement
- Hydrant & Valve Replacement
- Water Tower Rehabilitation
- Water Treatment Plant Work

Utilities Director Davis referenced the Shunga Creek Flooding issues. She stated the Kansas Corp of Engineers will only participate in projects based on certain criteria and there are two projects that have been included in the CIP that qualify for funding match assistance. She continued to report on the following programs:

Stormwater

- Conveyance System
- Levee Asset Repair and Rehab
- Stormwater Pump Station Rehab & Replacement
- Steam & Channel Restoration Stabilization & Rehab
- Drainage Correction
- Best Management Practices Development & Construction

Wastewater

- Sanitary Sewer Interceptor Maintenance & Rehabilitation
- Wastewater Lining & Replacement
- Sanitary Sewer Force Main Program
- Inflow and Infiltration
- Order Control
- Wastewater Facility Rehabilitation
- Wastewater Pump Station Rehabilitation

Utility Equipment & Fleet Replacement for Water, Stormwater and Wastewater.

Councilmember Kell questioned the option for Potable Water Reuse and if there was a need for it to be used as a water resource or if there was any cost benefits associated with it.

Utilities Director Davis stated there was a cost benefit; however, it would take a lot of additional infrastructure to be put in place to recycle water.

Councilmember Duncan asked Staff to clarify the term ‘unallocated funds’ and how it will be used.

Josh McAnarney, Financial Analyst, reported the unallocated funds are distributed to the “parent project” and used for the same purpose.

Freddy Mawyin, Chief Financial Officer, reported Staff would continue the CIP discussion on the Public Works Program at the May 16, 2023 Governing Body meeting.

PUBLIC COMMENT was provided by the following individuals:

Marc Price, TopCity Marathon event organizer, spoke in reference to the April 29, 2023 event. He reported there were 457 registered participants from 19 different states. He thanked City of Topeka Topeka Police Sergeant Jeff Sloan and other Topeka Police Department personnel along with City Traffic Engineer, Andy Rosebrook for their assistance. He spoke to the success of the event and expressed his appreciation to the City for hosting the event.

Craig McCullah, owner of Eugene & Paramore, LLC spoke in reference to the May 2, 2023, Governing Body Meeting where an ordinance for property he owns was considered (*Eugene & Paramore Planned Unit Development (PUD23/02)*) for approval. He stated in response to statements made at that meeting, the proposed housing project for ages 55 and over would not be what he would consider low-income; the Topeka Fire Department did not require an additional connection to NW Sproaton Lane; the property is not located in a Flood Plain; the traffic volume for the proposed development was too low to warrant a traffic study; the upgrade of NW Rochester Road was not his responsibility as a developer; and the comments directly

related to “Not In My Back Yard” (NIMBY) is accurate. He asked the Governing Body to take an objective look at the development plan.

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

Brenda Younger, City Clerk, provided an overview of the May 16, 2023, Governing Body agenda.

Councilmember Duncan requested to look at the mill levy rate for Topeka as they consider the 2024 budget and extended an invite to the Shawnee County appraiser to ask questions about the property valuation process. He attended the Topeka Salvation Army Lifeline Luncheon on May 9, 2023, celebrating the program and service by highlighting the success of the new soccer program and Three Shield’s Boxing Program. He also announced on May 9, 2023, the Menninger Pocket Park was unveiled in Downtown Topeka honoring the Menninger Foundation.

Councilmember Hiller commented on the many events around Topeka including the success of the Topcity Marathon on April 29, 2023, the Menninger Pocket Park unveiling on May 9, 2023, the Theresa Cuevas statue unveiling on May 5, 2023; and the Brown v Board of Education 69th Anniversary at Buchanan Elementary School on May 13, 2023.

Councilmember Ortiz announced City of Topeka Way To Work Program applications will be accepted until May 19, 2023. She also announced May is Teacher Awareness Month; and Teacher Appreciation Week is May 7-13, 2023.

Councilmember Kell announced May is Military Awareness Month including May 8 is Victory in Europe (VE) Day; May 12 is Military Spouse Appreciation Day; May 20 is Armed

Forces Appreciation Day; and May 29 is Memorial Day. He also expressed the importance of showing appreciation to those that teach children especially during Teacher Appreciation Week.

Councilmember Naeger acknowledged Mother's Day on May 14, 2023.

Mayor Padilla announced he attended the Topeka Salvation Army Lifeline Luncheon on May 9, 2023, highlighting the success of the new soccer program, the Three Shield's Boxing Program, and noted, the program will now include archery training. He announced on May 19, 2023, at 2:00 p.m. in front of City Hall there will be a recognition of National Military Appreciation Month to recognize those who have served and will be serving in the United States Armed Forces.

Councilmember Emerson moved to recess into executive session not to exceed 30 minutes for consultation with the city attorney to discuss attorney-client privileged matters regarding a possible legal action as justified by K.S.A. 75-4319(b)(2). The open meeting will resume in the City Council Chambers. The following staff were requested to assist the Governing Body in its deliberations: City Manager Wade, City Attorney Stanley, and Public Works Director Copley. The motion was seconded by Councilmember Kell.

Mayor Padilla asked all those in favor of recessing into to 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." (8-1-0)

Following a 30-minute time period, the meeting reconvened into open session and Mayor Padilla announced no action was taken during the executive session

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 40 minutes to discuss the acquisition of real property at a set location in the city, as justified by KSA 75-4319(b)(6). The open meeting will resume in the City Council

Chambers. The following staff assisted the Governing Body in its deliberations: City Manager Wade and any other Staff he deemed necessary. The motion seconded by Councilmember Dobler carried.

Mayor Padilla asked all those in favor of recessing into to an 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.” (8-1-0)

Following a 40-minute time period, the meeting reconvened into open session and Mayor Padilla announced no action was taken during the executive session.

Councilmember Kell moved to suspend the Governing Body Rules & Procedures to add and item to the agenda for consideration. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (9-0-0)

Mayor Padilla moved to authorize the City Manager to purchase a particular property on Southwest Topeka Boulevard. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (9-0-0)

NO FURTHER BUSINESS appearing the meeting adjourned at 9:53 p.m.

(SEAL)

Brenda Younger City Clerk