

Governing Body Minutes – May 16, 2023

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, May 16, 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 and Hoferer -5. Councilmembers Valdivia-Alcala, Ortiz and Naeger participated remotely -3. Absent: Councilmember Emerson -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 May 16, 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 16, 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:

BOARD APPOINTMENT recommending the appointment of Braden Werner to the Shawnee County Community Corrections Advisory Board to fill an expired term ending May 16, 2025, was presented.

ADVISORY COUNCIL REAPPOINTMENT of Steve Schoenberg to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending May 31, 2025, was presented. (*Council District No. 9*)

Councilmember Dobler moved to approve the appointments. The motion seconded by Councilmember Kell carried unanimously on roll call vote. The Mayor does not vote. (8-0-0)

A PRESENTATION on the recommended 2024 Program of Services and Budget for the NOTO Business Improvement District (BID) was provided by Thomas Underwood, NOTO Arts and Entertainment District Executive Director.

Councilmember Valdivia-Alcala questioned how many businesses are delinquent on BID service payments; the collection fee process; and if those businesses would still receive BID services. She requested that an additional update be provided later in the year because the NOTO BID District is only in its first full-year of service.

Mr. Underwood reported there were 17 businesses that still owe fees; and the entire district will receive services as a whole no matter the status of BID service payments. He stated the City distributed invoices to delinquent businesses in January and March, and plans to again in June. He noted the collection process was outlined in the Topeka Municipal Code and he would be happy to provide an update later in the year.

Councilmember Valdivia-Alcala requested to meet with Mr. Underwood to gain a better understanding of the collection process.

A PRESENTATION on the recommended 2024 Program of Services and Budget for the Topeka Tourism Business Improvement District (BID) was provided by Kurt Young, Topeka Lodging Association Executive Director.

Councilmember Kell suggested incorporating parade events with Evergy Plaza events to expand on mobile food vendors and other activities.

Mayor Padilla inquired on Staffing requirements of the Evergy Plaza team.

Mr. Young expressed his appreciation for the good ideas as they are always looking for ways to expand; and he reported they are currently seeking applications for two vacancies.

A PRESENTATION on the recommended 2024 Program of Services and Budget for the Downtown Topeka Business Improvement District (BID) was provided by Ashley Gilfillan, Downtown Topeka, Inc., President.

Councilmember Ortiz commended Paul Cervantez, Downtown Topeka Inc., for his hard work in keeping the Downtown area clean.

RESOLUTION NO. 9416 introduced by Councilmember Sylvia Ortiz, granting Alejandra Rodriguez an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. (*Council District No. 3*)

APPROVAL of a Public Works Engineering Contract NO. 51339 between the City of Topeka, SBB Engineering, Inc., and the Kansas Department of Transportation (KDOT) in an amount not to exceed \$51,357.02 for providing Construction Engineering Inspection Services for the KDOT Tyler Shared Use Path, was presented.

APPROVAL of a Public Works Engineering Contract NO. 51355 between the City of Topeka and Finney and Turnipseed, Transportation and Civil Engineering, L.L.C., in an amount not to exceed \$65,846 for engineering and inspection services, was presented.

MINUTES of the regular meeting of May 9, 2023, was presented.

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

<u>Business Name</u>	<u>Address</u>
Abraham SN	1107 SW 6 th Ave
BWell Market	600 SE Quincy
California BP	2740 SE California Ave
Dollar General #1171	1001 SW Fairlawn Rd
Dollar General ##2703	2500 SE California Ave
Dollar General #3085	2042 NW Topeka Blvd
Dollar General #3618	2401 SW Topeka Blvd
Dollar General #4046	1920 SW 10 th Ave
Dollar General #12745	2515 SE 6 th Ave
Dollar General #13381	3410 SE 29 th St
Dollar General #15245	4500 SE California Ave
East Quick Stop	3100 SE 6 th Ave
Gas N Shop	1900 NW Topeka Blvd
Haag's Express	1001 SW Wanamaker Rd
Holiday Square 66	2901 SW Topeka Blvd
I70 BP	1000 SW Wanamaker Rd
K Fast Track 2	1401 SW Huntoon St
Kicks 66	3300 SW Gage Blvd
Lakeview Phillips	3000 SE Croco Rd
Max's at Huntoon	1301 SW Gage Blvd
Murphy Express #8599	1531 SW Wanamaker Rd
Neighborhood Smoke	1700 SW Van Buren St
Oakmart BP	2518 NE Seward Ave
Supermart El Torito	3000 NW Topeka Blvd
Valero	2044 NW Tyler St
White Lakes 66	931 SW 37 th St
Wood Oil #7	101 NE US 24 Hwy

RESOLUTION NO. 9417 introduced by Councilmember Sylvia Ortiz, granting Leroy Ware an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. (*Council District No. 3*)

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

ORDINANCE NO. 20426 introduced by Councilmember Spencer Duncan establishing a land bank and creating new Chapter 2.260 in the Topeka Municipal Code, was presented.

Councilmember Duncan reported after many discussions, and if there were no further questions from Governing Body members he would recommend approval of the proposed ordinance

Councilmember Duncan moved to approve the ordinance. The motion was seconded by Councilmember Valdivia-Alcala.

Councilmember Valdivia-Alcala stated after reading the information and receiving answers to all her questions she fully supports the ordinance as presented.

Councilmember Ortiz inquired on the land bank process if a house or vacant lot was donated to the City. She reported District 3 Neighborhood Improvement Associations (NIAs) support the ordinance as proposed.

Councilmember Duncan reported if the house was accepted by the City of Topeka it would then be evaluated to determine the best fit and/or program for the situation which will be determined by the Board of Trustees. He stated in regards to a vacant lot, the process will be more scrutinized and targeted towards developers assisting with the cost to avoid a negative financial impact to the City.

Councilmember Kell spoke in support of the ordinance as proposed. He stated it provides a great opportunity to address vacant property while building the Land Bank Program over the next three years.

Councilmember Hiller referenced concerns she previously stated during the many Governing Body Land Bank discussions. She spoke to the many vacant lots and houses in District 1 and expressed concern with the impact of the proposal on rental properties and Low to Moderate Income residents. She expressed deep concern about the limitations of the language as proposed. She stated she would support the ordinance but remains cautious due to the hard and

complex nature of housing development and redevelopment. She challenged Staff to do their homework on each property and program to understand the needs and best practices. She urged everyone involved not to waste time and money.

Mayor Padilla thanked Councilmember Duncan for his work on the program and for listening and addressing concerns in an effective and fair manner. He stated he believes this initiative could be accomplished with active oversight by Staff.

Councilmember Duncan stated land bank discussions started over 30 years ago and the City of Topeka pushed for approval at the State level. He thanked members of Staff, the community, and Governing Body members for their work on the proposal. He noted they have the ability to make changes if needed and the Board of Trustees will be mindful of the process and what is needed to succeed.

Henry McClure, Topeka resident, stated he believes that every licensed real estate person and developer will essentially have to pay for their own competition with their own tax dollars if the Land Bank is approved. He referenced City of Topeka housing programs already in place and areas such as the Lauren's Bay Subdivision that could be used as a land bank. He asked the City of Topeka to give him land and he will build a house for a veteran that qualifies. He stated he believes there should be less government involvement allowing the private sector to solve some of the housing problems.

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

RESOLUTION NO. 9418 introduced by Councilmember Spencer Duncan establishing the administrative policy guidelines for the City of Topeka Land Bank, was presented.

Steve Wade, City Manager, stated approval would adopt administrative policy guidelines for the City of Topeka Land Bank Board of Trustees.

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

SETTING a public hearing date of June 20, 2023, for consideration of imposing special assessments for Horseshoe Bend Subdivision No. 6 and No. 7 Sanitary Sewer Improvement Project 401103.00 and Street Improvement Project 601130.00; and Aquarian Acres Subdivision No. 9 Street Improvement Project 601124.00, was presented.

Stephen Wade, City Manager, stated approval would set a public hearing date of June 20, 2023, to consider imposing assessments for public improvements with Notices being published in the Topeka Metro Newspaper.

Councilmember Dobler moved to approve a public hearing date of June 20, 2023, and authorize publication in the Topeka Metro Newspaper. The motion seconded by Councilmember Kell carried unanimously on roll call vote. (9-0-0)

DISCUSSION regarding the proposed 2024-2033 Capital Improvement Plan (CIP) and 2024-2026 Capital Improvement Budget (CIB), was presented. (*Continued from the meeting of May 9, 2023.*)

Braxton Copley, Public Works Director, corrected statements made at the May 9, 2023, Governing Body meeting. He stated Staff was advocating to increase funding for the Pavement Management Program and the Ally Repair Program. He reported on the following Pavement Management Program Projects:

- NE River Road
- Westwood Neighborhood
- NE Grant and Michigan Intersection
- SW Roosevelt and Kenilworth

- SE 6th from Golden to Rice Road

Councilmember Neager applauded the Westwood Neighborhood for taking the initiative to push for improvements.

Councilmember Ortiz thanked Director Copley for making improvements on SE 6th Street with design only in 2024 allowing time to discuss plans with area residents.

Councilmember Kell inquired about the Elevation Parkway Project specifically as it relates to the expansion of SW 37th Street and the geographic direction being proposed. He asked why the City was investing \$18 million in one project instead of funding existing street improvements.

City Manager Wade reported a Best Use Study has been commissioned for the area; and the path of the street has been suggested but not finalized. He spoke to a potential economic development opportunity that would create a need for housing growth in the area.

Councilmember Hiller asked if engineering positions are being funded within the budget. She questioned how advocacy for street projects are related to the Pavement Condition Index (PCI).

Adam Vaughn, Budget Manager, stated one full-time engineering position would be funded with Half-Cent Sales Tax funding.

City Manager Wade stated the City of Topeka has been very aggressive with attracting full-time engineers by increased salaries and recruiting at area colleges and noted, no salaries would appear in the 2024 CIB. He commended Public Works Director Copley for being proactive in regards to street repair projects being added to the list of needed improvements.

Public Works Director Copley stated it was a multi-faceted decision as it relates to projects with low a PCI.

Mayor Padilla stated the Elevation Parkway Project was not just an extension of SW 37th Street and noted, it would generate multi-level economic development for the Topeka-Shawnee County area including much needed housing stock, relief of traffic congestion as well as other benefits.

Councilmember Valdivia-Alcala expressed support of conducting the Best Use Study on the Elevation Parkway Project area; however, she believes the project seems to be inflated. She referenced the \$250,000 removed from the CIB for a section of NE Lyman Road and expressed concern with the public health and safety issue with that area. She asked what Staff is doing to address the “red-lining” and noted infrastructure is a strong component of that issue and added, much of the infrastructure funding needs to be filtered into these areas and suggested the City of Topeka look at other models of other cities to address the issue.

City Manager Wade stated there are creative solutions to help address the need for improvements on NE Lyman Road and noted, he would gather additional information and report back to the Governing Body.

Public Works Director Copley continued to report on the FIRM Program as well as the Alley Repair Projects proposing an increase from \$500,000 to \$750,000.

Adam Vaughn, Budget Manager, reported on the DREAMS Program (Neighborhood Infrastructure and/or SORT Program):

- 2024 –DREAMS 1: Holliday Park Target Area
- 2025 –DREAMS 2: CAC application process
- 2026 –DREAMS 1: Target Area
- DREAMS 3: Application Process Each Year

Public Works Director Copley continued to report on the following Other Programs:

- Infill Sidewalk \$600,000 per year
- Complete Streets: shifted into projects (2025 and 2026 updated to be eliminated)
- Transportation Operations Fleet Replacement: \$1.3 million

- Traffic Safety \$220,000
- Traffic Signal Replacement \$1.2 million in 2024; \$800,000 in 2025 & 2026
- ADA Sidewalk Ramp \$300,000
- Curb & Gutter \$1.25 million
- Sidewalk Repair \$100,000
- Street Crack-Sealing and Micro-Surfacing \$2 million
- Bridge Maintenance \$400,000 in 2024
- Bikeways Master Plan \$500,000 in 2024

Mayor Padilla stated he received a request from a constituent for road construction safety signage in the Oakland area and expressed the need for it to be considered a priority.

Councilmember Valdivia-Alcala thanked Public Works Director Copley for his assistance in completing a traffic study and creating much needed options for the Oakland area.

Councilmember Hiller stated she has received good reports from District 1 Neighborhood Improvement Associations (NIAs) in regards to curb and gutter projects. She questioned how long the waiting list is.

Public Works Director Copley stated he would provide the list as part of the next CIP supplement.

Budget Manager Vaughn reported at the May 16, 2023, Public Infrastructure Committee Meeting Staff proposed a change in the project approval process for the CIP/CIB to ensure projects are moving forward as needed. He highlighted the JEDO Sales Tax Projects and Projections, adding there will be a need for adjustments and prioritization. He reported there was an emergency update needed for the HVAC Project at the Topeka Performing Arts Center (TPAC) and City Hall and noted, the details would be included the next CIP supplement. He asked the Governing Body if there was a desire to have a CIP workshop on May 23, 2023 to address any specific concerns.

Councilmember Dobler thanked Staff for implementing an additional layer of the approval process for large CIP projects over \$250,000, and commended Finance and Public

Works Staff members for coming up with a great process and a good compromise. He added the \$250,000 project limit gives the Governing Body multiple opportunities to approve large projects. He suggested the new process begin in January 2024.

Councilmember Kell referenced the updated costs for JEDO Projects specifically concerning SW 37th Street from Burlingame to Scapa Place and asked if the storm water issues would be addressed.

Public Works Director Copley reported storm water issues could be addressed through the scope of the project subject to Governing Body approval.

PUBLIC COMMENT was received via email from Teresa Miller (Attachment A) and provided by the following individuals:

William Brandlin distributed a handout regarding a proposed housing development near NW Rochester Road and asked the Governing Body to appoint an independent traffic study consultant for the area being proposed as Planned Unit Development zoning (*PUD 23/02*). He requested the traffic Study consider extending both NW Sproaton Lane and NW Walnut Lane. He noted up-to-date flood pictures are available upon request of the proposed PUD area.

Andy Fry shared his perception of the “Complete Streets” concept beyond the economics. He stated he believes the City is not meeting the needs of foot and bike traffic and still has a ways to go before this would happen. He suggested instead of eliminating the “Complete Streets” portion of projects to instead complete less projects. He announced May is National Bike Month with many events happening throughout the city.

Henry McClure distributed handouts and commended Staff for looking at JEDO Countywide Sales Tax Project funding projections. He suggested using those sales tax funding dollars for infrastructure funding instead of economic development projects. He expressed

concern with how he can build a productive partnership with City officials to allow for more broad economic development opportunities. He asked the City of Topeka to consider improving the portion of SW Topeka Boulevard near the White Lakes Mall area.

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

Steve Wade, City Manager, announced the City of Topeka Battle of the Badges Blood Drive on May 22, 2023, working in collaboration with Red Cross of Topeka.

Councilmember Dobler spoke to the homeless and unsheltered population issues in every area of the city which has surpassed pothole issues. He understands there are no easy answers and he will support every effort to address and help eliminate this chronic issue.

Councilmember Ortiz asked for an update on the homeless situation including the efforts being done with the Sylver, Inc. Consultant Study and City Manager Wade's trip to visit Low Barrier Homeless Shelters in Colorado Springs and Denver, Colorado.

Councilmember Kell encouraged citizens to be aware of their surroundings when driving specifically concerning scooters, bicycles and motorcycles. He asked citizens to volunteer as there are many opportunities.

Mayor Padilla thanked his assistant Jane Murray for organizing the Military Recognition on May 19, 2023, at City Hall recognizing all military service branches, Vietnam Veterans as well as area high school students entering military service. He also announced a City of Topeka flag and t-shirts have been sent to the crew members of the USS Topeka Naval Ship and as a result, the ship's mascot has been changed to "The Bison" and the new Motto is "Fear the Stampede."

NO FURTHER BUSINESS appearing the meeting adjourned at 8:05 p.m.

(SEAL)

Brenda Younger City Clerk

Brenda Younger

From: teresa miller <teresa-miller@att.net>
Sent: Tuesday, May 16, 2023 7:36 PM
To: Christina Valdivia-Alcala
Cc: Hannah Naeger; Karen A. Hiller; Michael Padilla; Neil Dobler; Spencer Duncan; Sylvia Ortiz; Tony Emerson
Subject: Lyman Rd Project

This message originated from outside your organization

The Lyman Rd Project was to start next year, but got pushed back to 2026. The reason for this project was because of the last two teenage girls that were killed while trying to walk on the side of the narrow Lyman Rd. The main purpose of this street project was to put more lighting and a sidewalk down on side of this road to project and make this area safe for the less fortunate people of our city to be safe.

Once again our city does not this North Topeka People who pay taxes MATTER!

Teresa Miller