

Governing Body Minutes – August 8, 2023

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, August 8, 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, Dobler, Duncan, and Hoferer -5. Councilmembers Ortiz and Valdivia-Alcala participated remotely -2. Absent: Councilmembers Emerson and Naeger -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 August 8, 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 August 8, 2023, for attachment to the meeting minutes.

AFTER THE MEETING was called to order Pastor Eric Patterson, Living Truth Christian Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

ADVISORY COUNCIL reappointment of Robert Nugent to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending August 10, 2025, was presented. (*Council District No. 4*)

Councilmember Dobler moved to approve the appointment. The motion seconded by Councilmember Kell carried unanimously on roll call vote. The Mayor does not vote. (7-0-0)

CONSENT AGENDA was presented as follows:

The RESOLUTION approving a special event known as the Doughboyz Pizzeria 3 Year Anniversary was withdrawn from the agenda at the request of the applicant. (*Council District No. 2*)

RESOLUTION NO. 9451 introduced by Councilmember Sylvia Ortiz, granting Lenny Valenzuela 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*)

RESOLUTION NO. 9452 introduced by Interim City Manager Richard U. Nienstedt amending Resolution No. 9379 to change the references from 'Rural' to 'Reinvestment' in the City of Topeka's policy for Reinvestment Housing Incentive Districts in order to conform to K.S.A. 12-5241, as amended by 2023 S.B. 17, was presented.

RESOLUTION NO. 9453 introduced by Interim City Manager Richard U. Nienstedt concerning the City of Topeka's participation in the State of Kansas Municipal Investment Pool and rescinding City of Topeka Resolution No. 9360, was presented.

RESOLUTION NO. 9454 introduced by Interim City Manager Richard U. Nienstedt naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatories and rescinding City of Topeka Resolution No. 9359, was presented.

APPROVAL of a proposed settlement agreement for Shawnee County Case No. SN2023CV00311 and release of all potential claims and liens in exchange for \$300,000, was presented.

RESOLUTION NO. 9455 introduced by Councilmember Sylvia Ortiz, granting Midwest Demo Kings 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 Utilities Engineering CONTRACT NO. 51522 between the City of Topeka and WSP USA, Inc., in an amount not to exceed \$74,930 for Project T-501037.12, was presented.

APPROVAL of Professional Engineering CONTRACT NO. 51521 between the City of Topeka and Professional Engineering Consultants, PA (PEC, PA) in an amount not to exceed \$347,000 for Project T-291087.00, was presented.

APPROVAL of a Public Works Engineering CONTRACT NO. 51520 between the City of Topeka and JEO Consulting Group, Inc., in an amount not to exceed \$226,765 for engineering services, was presented.

MINUTES of the regular meeting of July 18, 2023, and the special meeting of July 25, 2023 was presented.

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

ORDINANCE NO. 20443 introduced by Interim City Manager Richard U. Nienstedt authorizing and providing for the issuance of \$5,575,000 aggregate principal amount of General Obligation Bonds, Series 2023-A, of the City of Topeka, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto, was presented.

Richard U. Nienstedt, Interim City Manager stated the bonds would permanently finance special assessment, street, infrastructure and building projects.

Rachelle Mathews, Administrative and Financial Services Deputy Director, reported the City received three bids with Robert W. Baird & Co., offering the lowest interest rate of 3.88%. She stated Jeff White, Columbia Capital Management and Kevin Cowan, Gilmore & Bell, P.C. were available for questions.

Councilmember Kell moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. Councilmember Valdivia-Alcala did not vote due to technical difficulties. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Hiller, Ortiz, Kell, Dobler, Duncan, Hoferer and Mayor Padilla -7.

RESOLUTION NO. 9456 introduced by Interim City Manager Richard U. Nienstedt prescribing the form and details of and authorizing and directing the sale and delivery of \$5,575,000 aggregate principal amount of General Obligation Bonds, Series 2023-A of the City of Topeka, Kansas, previously authorized by Ordinance of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.

Rachelle Mathews, Administrative and Financial Services Deputy Director, stated the proposed resolution was the companion document to the previously approved ordinance. The resolution describes the form and details of authorizing the bonds with an interest rate of 3.88%. She stated Jeff White, Columbia Capital Management and Kevin Cowan, Gilmore & Bell, P.C. were available for questions.

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

RESOLUTION NO. 9457 introduced by Interim City Manager Richard U. Nienstedt authorizing and directing the issuance, sale and delivery of \$1,405,000 in the aggregate principal amount of General Obligation Temporary Renewal and Improvement Notes, Series 2023-A, providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.

Richard U. Nienstedt, Interim City Manager, stated the temporary notes would fund two special assessment projects and one street project still under construction.

Rachelle Mathews, Administrative and Financial Services Deputy Director, reported the City received three bids with Piper Sandler & Co., offering the lowest interest rate of 3.75% for a one-year term. She stated Jeff White, Columbia Capital Management and Kevin Cowan, Gilmore & Bell, P.C. were available for questions.

Councilmember Hiller questioned why the Elevation Parkway Project was included in the project list as it was her understanding the project was on hold.

Deputy Director Mathews stated funds are being requested at this time to ensure the funds are available upon approval of the consulting contract.

Braxton Copley, Public Works Director, reported the Elevation Parkway study has been put on hold until the Planning Department can review the overall area and justify moving forward with the consulting contract to conduct a study.

Councilmember Hiller expressed concern with borrowing money for a project that may not take place and noted it would cost approximately \$8,000 in interest fees for one year.

Councilmember Duncan inquired on the \$3 million of funds specifically approved by the Governing Body for the Elevation Parkway Project (Resolution No. 9373) in November 2022.

Budget Manager Vaughn confirmed \$3 million of General Obligation Bonds was approved for the project; however, no cash was allocated for the project.

Deputy Director Mathews clarified only \$400,000 of the \$3 million was being requested at this time.

Councilmember Hiller moved to delete the Elevation Parkway Project from Schedule 1, the list of improvements included in the proposed resolution. The motion was seconded by Councilmember Valdivia-Alcala.

Councilmember Naeger joined the meeting remotely.

Jeff White, Columbia Capital Management, reported the City has signed a bond purchase agreement outlining terms and conditions executed on the date the bond issue was priced. He stated if the bonds are not approved at this time, it could result as unfavorable in future bond market sales; however, the Governing Body would have the ability to reallocate the \$400,000 to a different project.

Councilmember Dobler stated he would support allocating the \$400,000 for another project if that was the will of the Governing Body.

Councilmember Duncan stated he understands why the Elevation Parkway Project was being presented to the Governing Body; however, he supports having the flexibility to use the funds on another project.

Councilmember Kell spoke in support of moving forward with the Elevation Parkway Project as presented because it has the potential to cost more money in the long-term.

Interim City Manager Neinstedt stated he believes the best plan for the Governing Body was to move forward with the Elevation Parking Project in small increments as this part of the city will continue to grow.

Councilmember Hiller thanked the Planning Staff for reviewing the plan and taking a more responsible approach to the project.

The motion to delete the Elevation Parkway Project from Schedule 1, the list of improvements included in the proposed resolution was withdrawn. The second concurred.

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

ORDINANCE NO. 20444 introduced by Interim City Manager Richard U. Nienstedt authorizing and directing the issuance, sale and delivery of Taxable General Obligation Temporary Notes, Series 2023-B, of the City of Topeka, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.

Richard U. Nienstedt, Interim City Manager, reported the temporary note would provide temporary funding for the purchase of Hotel Topeka including associated closing costs.

Rachelle Mathews, Administrative and Financial Services Deputy Director, reported Piper Sandler & Co., has agreed to purchase the Notes offering an interest rate of 5.65% for a one-year

term. She stated Jeff White, Columbia Capital Management and Kevin Cowan, Gilmore & Bell, P.C. were available for questions.

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

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

DISCUSSION regarding the Social Service Grants Committee recommendations, was presented.

Brett Martin, United Way of Kaw Valley, provided an overview of the process. He stated no changes were made to the process, and there was marked improvement as it relates to the applications. He requested approval of the recommendations as presented.

Councilmember Ortiz thanked Brett Martin and the United Way Team for assisting and thoroughly answering questions. She also thanked Staff for finding additional funds to help the many great organizations.

Councilmember Duncan referenced the Committee recommendation to increase the amount and asked if that would be the new total amount moving forward. The Committee recommendations were as follows:

- (1) Amending the 2024 Social Service Grants allocation recommendations to include additional funding from unused 2023 General Funds in the amount of \$45,000;
- (2) Adopt a funding scenario increasing the number of social service program applications that receive funding through the 2024 SSG process utilizing the enhanced allocation amount from \$434,904 to \$479,904; and
- (3) Increase the 2024 SSG funding allocation by \$57,000 from the proposed 2024 General Fund Budget to be used for the 2025 Social Service Grants process.

Councilmember Ortiz stated it was the intent of the Committee to continue with the increased amount on a permanent basis.

Councilmember Kell spoke in support of increasing the fund and to the importance of providing assistance to the organizations.

Councilmember Dobler asked if requested grant amounts were taken into account when scores were determined.

Bret Martin reported the total tabulated score sets the amount received. For example, if an applicant received a score of 80 points they will receive 80% of requested amount.

Councilmember Hiller reported there was a \$25,000 cap on the requested amount with the exception of two organizations that have been grandfathered.

Councilmember Kell encouraged Governing Body members and citizens to provide input on suggested changes at the next Committee meeting.

DISCUSSION related to the City of Topeka 2024 Operating Budget, was presented.

Richard U. Nienstedt, Interim City Manager, stated Staff would continue discussion on the 2024 budget. He encouraged Governing Body members to ask questions as Staff continues to seek guidance from them.

Adam Vaughn, Budget Manager, reported Supplement No. 1 has been distributed to the Governing Body and posted online at <https://www.topeka.org/finance/budget> providing answers to the most recent questions received. He stated the budget discussion would continue on the Community Appearance Priority.

Freddy Mawyin, Chief Financial Officer, provided an overview of the Community Appearance Indicators including the Topeka Net Promoter Score, Pavement Condition Index (PCI) and Number of Code Violations.

The presentation continued on the Topeka Police Department. Budget Manager Vaughn reported the Topeka Police Department has one new police major position and one new public safety position that have been filled.

Bryan Wheelles, Topeka Police Chief, provided overview of Field Operations services, goals and performance measures with a total budget of \$19,249,317; and Community Police Outreach services, goals and performance measures with a total budget of \$3,161,500. He commended John Schardine, Property Code Maintenance Division Director for his great contributions to the City and the Community.

Division Director Schardine provided an overview of Property Code services, goals and performance measures with a total budget of \$2,378,510. He reported as a result of the recommendations of the May 8 Consulting Report (Karen Black) one new housing navigator position, three new code inspectors, and a program administrator are being requested. He noted he has seven field inspectors and one field supervisor.

Governing Body members expressed their appreciation to Division Director Schardine for his responsiveness, professionalism and collaborative solutions.

Interim City Manager Nienstedt commended Division Director Schardine for his hard work and professionalism.

Councilmember Valdivia-Alcala expressed the importance of all departments working together and having good communication to ensure important data collection.

Councilmember Duncan asked how many vacancies were in the Topeka Police Department.

Chief Wheelles reported there were 300 full time employees (sworn officers) and 43 other position vacancies. He stated the proposed 2024 budget supports the current level of employees, and the new City policy extending and/or deferring retirements has helped.

The presentation continued on the Public Work Department. Budget Manager Vaughn reported there was one new senior financial analyst project position being requested.

Braxton Copley, Public Works Director, provided an overview of Street Maintenance services, goals and performance measures with a total budget of \$4,869,893. He noted there are currently 16 vacant positions.

Councilmember Ortiz and Councilmember Duncan expressed concern with mowing services and pot hole service efficiencies.

The presentation continued on the Community Engagement Division. Ernestor De La Rosa, Chief Diversity Equity and Inclusion Officer reported technical assistance has been provided to 21 Neighborhood Improvement Associations (NIA). He spoke to the importance of the Topeka and Shawnee County (TSC) Get Digital Coalition that helped spearhead digital initiatives. He stated the Ombudsman Office oversees the City's SeeClickFix system, and the Department looks forward to more grant funding that may come available to give more opportunities to citizens.

Monique Glaude, Community Engagement Division Director, provided an overview of the Community Engagement services provided, goals and performance measures with a total budget of \$418,019.

Mayor Padilla commended Community Engagement for their extensive efforts in the distribution of computers and encouraging digital training for the older population.

The presentation continued on the Utilities Department. Sylvia Davis, Utilities Director, provided an overview of Water services, goals and performance measures with a total budget of \$7,770,145. She noted the Water Distribution Center maintains a 26% vacancy rate.

Councilmember Hiller asked if there were additional funds included in the 2024 budget to assist customers with water payments.

Director Davis stated there was an addition \$500,000 set aside in the General Fund to provide additional assistance.

Councilmember Dobler spoke to the negative effect vacancies have on the ability to conduct preventive maintenance on utility infrastructure. He expressed concern with the amount of vacancies in key City departments with the majority hovering around 20%. He asked what the Human Resources Department is doing to help departments fill vacancies and noted the City has adjusted wages and implemented other incentives to help with the issue.

Mayor Padilla stated he concurs with Councilmember Dobler in regards to the necessity of filling critical positions.

Councilmember Duncan expressed his hope that Staff was open to better opportunities such as flex hours, remote working positions and other competitive opportunities to attract employees and retain employees.

Councilmember Hiller inquired on the status of vacancy credits for the 2024 budget.

Councilmember Naeger asked if the City participates in Choose Topeka Incentive Program offered by the Greater Topeka Partnership.

Jacque Russell, Human Resources Director, reported the City participates in the Program for specific hard to fill positions such as engineers and information technology positions.

Councilmember Kell asked if there was additional funds in the 2024 budget set aside to address homeless issues, and if the Police Department has considered using community police officers to assist with appropriate calls.

Police Chief Wheelles reported there were no additional funds allocated in the budget for the Behavioral Health Unit, and he would not advocate the use of volunteers in police service to address these types of calls.

Chief Financial Officer Mawyin announced a City of Topeka 2024 Budget Public Engagement Session will take place on August 17, 2023 from 5:30 p.m. to 7:00 p.m. at the Topeka and Shawnee County Public Library located at 1515 SW 10th Avenue, Topeka.

Councilmember Valdivia-Alcala spoke in support of considering the allocation of more funding for the City's Behavioral Health Unit; however, she would also suggest the City consider implementing a program such as "CAHOOTS" (Crisis Assistance Helping Out On The Streets) a program eliminating the Police Department as the first point of contact.

PUBLIC COMMENT was submitted via email by William Brandlin and Lazone Grays (Attachment A) and provided by the following individuals:

Willard Steinduehlker referenced the thousands of pet owners that have licensed their pets, and commended the City for implementing the pet license fee refund program. He expressed his appreciation for the program being maintained for the last five years.

William Brandlin distributed a handout to the Governing Body and spoke in opposition of Eugene and Paramont PUD 23/03. He recapped his concerns related to the proposed development including the negative effect on the surrounding neighborhood character, floodplain and drainage issues as well as the incorrect data used to determine the need for a traffic study.

Lynn Cress, Vice President of the Kaw Valley Bicycle Club, spoke to the public safety issues surrounding the use of recreational trail systems in the Topeka-Shawnee County area. The Club recommended a routine patrol of trail systems, routine collection of trash and debris, and a point of contact displayed along the trail. He believes the arrangement with the City and County needs to be fixed to ensure both entities take responsibility and have a joint management team.

Pam Hess, Topeka JUMP member, spoke in support of moving forward with the activation of the Housing Trust Fund Review Committee in order to provide affordable housing for those in need. She noted the activation of the Fund could help address the unsheltered population.

Chris Diester spoke to the homeless situation by offering his thoughts and ideas on how to address the homeless population. He encouraged the Governing Body to take steps to address the homeless issue through the adoption and/or amendment of certain ordinances.

Lazone Grays referenced documents he distributed to the Governing Body via email (Attachment A) regarding the potential opportunities the City of Topeka may have as it relates to the Microsoft TechSpark Initiative. He asked to partner with the City to move forward with the initiative.

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

Brenda Younger, City Clerk, provided an overview of the August 15, 2023 Governing Body meeting agenda.

Robert U. Nienstedt, Interim City Manager, reported Staff will continue efforts on the creative recruitment of a diverse workforce. He announced a City of Topeka 2024 Budget Public

Engagement Session will take place on August 17, 2023 from 5:30 p.m. to 7:00 p.m. at the Topeka and Shawnee County Public Library located at 1515 SW 10th Avenue, Topeka.

Councilmember Hiller thanked Staff for their hard work on the budget. She also thanked all District 6 Candidates for their interest and congratulated Marcus Miller and Craig Dunstan as they move onto the general election ballot in November.

Councilmember Ortiz thanked area organizations that donated school supplies. She commented on the success of the National Night Out events held throughout the city on August 5, 2023.

Councilmember Kell announced the Topeka and Shawnee Public Library will celebrate 50 years of providing The Red Carpet Experience and announced event activities would take place during the week of August 21-25, 2023.

Councilmember Dobler commended Curtis Sneden for his service to the community and the Greater Topeka Partnership (GTP). He congratulated him on his new position with Metropolitan Topeka Airport Authority (MTAA) as Director of Economic Development.

Mayor Padilla stated he concurs with Councilmember Dobler and commended Curtis Sneden for his reliability, trusted voice for the City as well as his objective criticism. He commended the MTAA Board of Directors for selecting Curtis Sneden for the position. He announced the India Mela would be held on August 11, 2023, at Evergy Plaza located at 630 S. Kansas Avenue, Topeka.

Councilmember Dobler moved to recess into executive session for a period of time not to exceed 15 minutes to discuss the acquisition of real property for various easement issues, as justified by KSA 75-4319(b)(6). The open meeting resumed in the City Council Chambers. The

following staff assisted the Governing Body in its deliberations: Interim City Manager Nienstedt and any other staff he deemed necessary. The motion was seconded by Councilmember Kell.

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)

Councilmember Duncan moved to suspend the Governing Body Rules & Procedures to extend the meeting past 10:00 p.m. The motion seconded by Councilmember Dobler carried unanimously on roll call 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.

Councilmember Hiller moved to recess into executive session not to exceed one hour to discuss employer/employee negotiations relating to one or more unions as justified by KSA 75-4319(b)(3). The meeting resumed in the City Council Chambers. The following staff assisted the Governing Body in its deliberations: Interim City Manager Nienstedt and any other staff he deemed necessary. The motion was seconded by Councilmember Kell.

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 one-hour 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 40 minutes for consultation with the city attorney to discuss attorney-client privileged matters regarding specific contract options as justified by K.S.A. 75-4319(b)(2). The open meeting resumed in the

City Council Chambers. The following staff assisted the Governing Body in its deliberations:

City Attorney Stanley. The motion was seconded by Councilmember Kell.

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. Councilmembers Ortiz and Dobler voted “no.” (7-2-0)

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

NO FURTHER BUSINESS appearing the meeting adjourned at 10:34 p.m.

(SEAL)

Brenda Younger City Clerk

THE FACTS WHY PUD 23/02 SHOULD BE VOTED DOWN BY THE GOVERNING BODY

We ask the Governing Body to be cognizant of the six admonitions which Golden vs. City of Overland Park urges Governing Bodies to be aware of when considering the validity of a rezoning ordinance. (at the end)

First, let us start with the Planning Staff lack of any substantive response to the Governing Body's request for additional PUD 23/02 data.

- 1. The TRAFFIC ISSUES DATA MISREPRESENTED BY THE PLANNING STAFF gave misleading and factually incorrect data in their lack of a substantive and meaningful response to the Governing Body request for additional traffic study data regarding PUD 23/02.**
 - a. The Planning Staff used traffic data from a traffic area which is nearly a mile away from the PUD 23/02 access point to Rochester Road.**
 - b. The area where the PUD 23/02 access point would be is one lane each way, has no turning lanes, has no sidewalks and no traffic lights.**
 - c. The traffic data area used in the Planning Staff response is two lanes each way, has turning lanes, has sidewalks and has traffic lights.**
 - d. The vastly dissimilar area used for the Planning Staff response contains an entrance to a Walmart parking lot on the east, an entrance to a Dillon's shopping center on the west and all of the Highway 24 traffic which visits the Walmart and Dillon's shopping areas. It is noteworthy that most of the Highway 24 traffic returns to Highway 24 and never goes north to the access point on Rochester Road involving PUD 23/02.**
 - e. The effect of the Planning Staff traffic data misrepresentation and inaccurate presentation is to overstate the daily traffic on Rochester Road as it relates to the PUD 23/02 access point. This, in turn, artificially decreases the percentage increase the additional traffic flow caused by PUD 23/02.**
 - f. PUD 23/02 has three times the traffic at its access point to Rochester Road as does Walnut Lane at its point to Rochester Road (30 residential units in PUD 23/02 vs. 10 residential units on Walnut Lane). Sanford Lane and Menninger Road each have their own separate access points to Rochester Road.**

THE FACTS WHY PUD 23/02 SHOULD BE VOTED DOWN BY THE GOVERNING BODY

- g. If you take the 42 homes in the Rochester Road-Walnut Lane-Sanford Lane-Sproaton Lane-Menninger Road boundary area there are 42 residential units. If each of the 42 residential units makes one trip per day (out and back in once per day) there are 84 daily exits and re-entries. If the 30 PUD 23/02 residential makes an identical number of trips per day (out and back in once per day) there are an additional 60 daily trips. This equates to a traffic increase directly attributable to PUD 23/02 of 60 additional trips per day or a percentage increase of 71+% of additional traffic per day directly attributable to PUD 23/02. This is over 18 times more than the 3.9% traffic increase miscalculated data generated by the Planning Staff from figures which are assumed and do not portray the actual traffic conditions pertaining to the PUD 23/02 access point to Rochester Road.**
- h. In an attempt to disguise their presentation of any accurate and relevant traffic data concerning PUD 23/02, the Planning Staff makes reference to a mysterious Shawnee County improvement project for Rochester Road. This improvement project is yet to be considered/deliberated by any Planning Commission or Governing Body, is unapproved, is unfunded and is no more than a possible futuristic discussion point for Shawnee County. If this Rochester Road improvement project were ever to become law, construction would begin sometime in 2029 and end sometime in 2031 (up to 8 years from now).**
- i. If anything, this mystery Rochester Road improvement project is an acknowledgement by the Topeka Planning Staff that there are serious deficiencies in the Rochester Road ability to handle any additional traffic.**

The Planning Staff traffic study data and conclusions are pure science fiction and were offered up to support a project that had no business ever being considered viable due to the traffic data alone. The data was manufactured by the Planning Staff to fit the Planning Staff desired approval outcome.

This data is inaccurate and misleading and offers support for only the baseless traffic data conclusions of the Planning Staff. Regrettably, the Planning Commission never exercised any independent thinking and never asked any of the right questions to refute the baseless conclusions of the Planning Staff.

THE FACTS WHY PUD 23/02 SHOULD BE VOTED DOWN BY THE GOVERNING BODY

We ask the Governing Body to be cognizant of the admonitions which Golden vs. City of Overland Park urges Governing Bodies to be aware of when considering the validity of a rezoning ordinance. (at the end)

- 2. The CHARACTER OF THE NEIGHBORHOOD bordering the PUD 23/02 parcel would be irreparably damaged due to:**
 - a. LOT SIZE PER RESIDENTIAL UNIT...the lot size per residential unit for PUD 23/02 is $\frac{1}{2}$ of the lot size of the bordering neighborhood...PUD 23/02 residential unit lot size is $\frac{1}{4}$ acre per residential unit while the bordering neighborhood is $\frac{1}{2}$ acre per residential unit.**
 - b. POPULATION DENSITY...the population density of the PUD 23/02 parcel is three times that of the bordering neighborhood...60 residents for the PUD 23/02 development vs. 20 residents for bordering neighborhood development. Previously we reported, incorrectly, that the population density of PUD 23/02 was twice that of the bordering neighborhood. In reality, the population density of PUD 23/02 is three times that of the bordering neighborhood.**
 - c. OWNERSHIP STATUS...the surrounding neighborhood is all non-transitory homeowners and PUD 23/02 will be all transitory renters.**
 - d. ARCHITECTURAL STYLE...the surrounding neighborhood is all ranch style homes while the PUD 23/02 style is not ranch style homes.**
 - e. NUMBER OF RESIDENTIAL UNITS PER ACCESS POINT TO ROCHESTER ROAD...the bordering neighborhood has 10 residential units per access point to Rochester Road while PUD 23/02 has 30 residential units per access point to Rochester Road...no matter what the metric used is, three times the cars equals three times the traffic per access point.**
 - f. THE SURROUNDING ZONING...the zoning surrounding the entire PUD 23/02 parcel is all R-1 (no M-2)...rezoning would place detrimental dissimilar zoning next to the surrounding neighborhood R-1 zoning.**

The re-characterization issues cited above demonstrate a lack of substantial conformance with the surrounding neighborhood. The Planning Staff and Planning Commission have mistakenly and incorrectly neglected to apply the principles and admonitions which Golden vs. City of Overland advises Governing Bodies to apply to rezoning issues. These lack of substantial conformance re-characterization issues were ignored in order to maneuver and expedite PUD 23/02 through the approval process as quickly as possible by using invalid assumptions and metrics by the Planning Staff and Planning Commission.

THE FACTS WHY PUD 2302 SHOULD BE VOTED DOWN BY THE GOVERNING BODY

We ask the Governing Body to be cognizant of the six admonitions which Golden vs. City of Overland Park urges Governing Bodies to be aware of when considering the validity of a rezoning ordinance. (at the end)

3. **The FLOODPLAIN ISSUE conclusions reached by the Planning Staff are based on out of date and incorrect floodplain designation maps.**
 - a. **The reality is that the PUD 3/02 parcel is visibly the lowest elevation parcel of any in the surrounding parcels of land.**
 - b. **The reality is that the PUD 23/02 parcel was underwater in the heavy rains in both 1996 and 2005/2006.**
 - c. **Notwithstanding the condition of the Soldier Creek levee and its historical state of disrepair, this factual data could have been garnered by the Planning Staff had they simply involved the residents of the affected neighborhood in their unsupportable floodplain conclusion drawing process.**

This comes down to a question of whether to believe in (1) historical flooding facts or (2) believe in the Planning Staff's (a) reliance on apparently incorrect and outdated floodplain data, (b) lack of neighborhood resident contact and fact gathering and (c) generally ignoring the research steps that any prudent fact finder would employ.

It also brings the question of how diligent and thorough the Planning Staff was in gathering all the facts to support the correct conclusion? Or did the Planning Staff just go through the motions to provide incorrect facts to support the outcome based approval solution that they wanted?

4. **The SPROATON LANE CONNECTOR applies only in the sense that the PUD 23/02 land parcel lacks any adequate space for walkers/cyclists and the burden for providing such amenities is being shifted to the surrounding neighborhood.**
 - a. **The surrounding neighborhood has streets that are already too narrow and inadequate for the existing foot and auto traffic.**

Adding any additional traffic of any kind (parked autos/walkers/runners/cyclists) increases the danger to the public safety since an already inadequate surface streets in the bordering neighborhood will be asked to support additional traffic which will increase the difficulty for emergency vehicle, school bus and resident access.

THE FACTS WHY PUD 23/02 SHOULD BE VOTED DOWN BY THE GOVERNING BODY

We ask the Governing Body to be cognizant of the six admonitions which Golden vs. City of Overland Park urges Governing Bodies to be aware of when considering the validity of a rezoning ordinance. (here and on the next page)

5. The six admonitions are:

a. The effect on the character of the neighborhood (emphasis added)

i. This admonition has been addressed in item 2 on page 3 above.

b. The zoning and uses of the property nearby

i. All of the PUD 23/02 surrounding property is zoned R-1. None is zoned M-2. The Planning Staff has misled anyone reading the Staff Report that M-2 zoning is compatible with R-1 zoning. This is an expression of a Planning Staffer's opinion not founded in any point of fact. Apples, when placed next to oranges, do not offer a compatible situation. The picture is of two vastly different outcomes...the same as R-1 vs. M-2.

c. The suitability of the subject property (PUD 23/02) for the uses to which it has been restricted (emphasis added)

i. The property was originally zoned R-1 and has been continuously zoned R-1. The property remains suitable for R-1 parcels as long as the character of the surrounding neighborhood is not negatively re-characterized.

d. The extent to which removal of the restrictions will detrimentally affect nearby property

i. The detrimental effects to the nearby (surrounding) property (single family, single story, ranch style homes which sit on ½ acre parcels of land) which would be directly attributable to a rezoning from R-1 to M-2 would include (1) a 25% to 40% decline in property values (according to real estate professionals) and (2) public safety issues resulting from more foot/jogger/cyclist/auto traffic on already overburdened streets of the nearby neighborhood.

ii. The opinion of the Staff Planners that a zoning change from R-1 to M-2 would not have a detrimental effect on the nearby (surrounding) property is yet another opinion not founded in fact. This opinion is expressly manufactured to fit the desired outcome based approval desired by the developer in concert with the Planning Staff. Please recall, according to the Planning Commission Minutes, over the last 13 months the Planning Staff has recommended and the Planning Commission has approved every measure to come before them (34 approvals and zero rejections). The Planning Staff and Commission agenda is clear and it is not beneficial for the Topekans most affected by PUD 23/02.

THE FACTS WHY PUD 23/02 SHOULD BE VOTED DOWN BY THE GOVERNING BODY

We ask the Governing Body to be cognizant of the six admonitions which Golden vs. City of Overland Park urges Governing Bodies to be aware of when considering the validity of a rezoning ordinance. (here and on the previous page)

- e. The length of time the subject property (PUD 23/02 parcel) has remained vacant as zoned (emphasis added)**
 - i. The property has remained vacant as zoned for as long as it has been zoned R-1 (possibly as long as 50 years).**
 - ii. The vacancy factor is not relevant in the application of PUD 23/02. What is relevant is the developer's rezoning application. The property is zoned R-1 and the nearby neighborhood has never had any objection to R-1 development as long as the R-1 development does not negatively re-characterize the nearby neighborhood.**
 - iii. The developer reasons for the zoning change from R-1 to M-2 are directly below.**
 - iv. The developer doesn't have the financial means to develop the parcel as R-1 as was always intended for at least the past 50 years. If this not the case, the developer should be required to provide independent, verifiable financial data consistent with any development proposal which negatively affects so many nearby residents. It is incomprehensible that the Planning Staff did not require and the Planning Commission did not demand such data. This data is always required in any prudent development project. As trustees of the taxpayer dollars it is incumbent on the Planning Staff and Planning Commission to gather and assess such data before any development project even starts to move forward.**
- f. The relative gain to the public health, safety and welfare by the destruction of the value of the plaintiff's (PUD 23/02) property as compared to hardship imposed upon the individual landowner (nearby property owners)(emphasis added)**
 - i. There is no relative gain to the public health, safety and welfare nor is there any destruction to the value of the plaintiff's (developer's) property when R-1 zoning continues.**
 - ii. The fact that the plaintiff (developer) either (1) made a bad investment, (2) does not have the financial means to complete the project or (3) cannot develop the parcel as R-1 are not reasons why the existing individual landowners should bail out the plaintiff (developer) for (1) his bad business decisions, (2) lack of financial means or (3) inability to develop the parcel as R-1 initially purchased the property.**
 - iii. This rezoning proposal gives all of the benefits to the developer and all of the hardships to the individual landowners. It is nothing more than a developer bail out at the expense of the individual landowners**

THANKS FOR TAKING TIME TO CONSIDER THIS

Page Six of Six

Tonya L. Bailey

From: W. Lazone Grays <lazoneg@ibsa-inc.org>
Sent: Tuesday, August 8, 2023 4:29 PM
To: City Clerk
Cc: IBSA, Inc.
Subject: Topeka City Council Meeting Handout 8-8-23 [Lazone Grays]
Attachments: Topeka Digital Divide Matrix 2023.pdf; Topeka City Council Handout Aug 8 2023.pdf

This message originated from outside your organization



This message needs your attention

- You've never replied to this person.
- This is a personal email address.

Powered by Mimecast

City of Topeka

Mayor Mike Padilla,
City Council Members,
Office of the City Manager,

Greetings,

Below is information regarding the attached handout and my presentation on the opportunity this present for our City of Topeka.

Thank you in advance for your time.

Lazone Grays
President/CEO

IBSA, Inc.

408 SW Jackson Street
Topeka, Kansas 66603
www.ibsa-inc.org

###

About Microsoft TechSpark

Microsoft TechSpark was launched in October 2017 as a civic initiative to foster greater economic opportunities and job creation through deep partnerships and collaboration in rural and smaller metropolitan communities. Microsoft hired local managers tasked with the delivery of Microsoft resources to support these communities, keying in on a few pillars, including:

- Collaboration with local nonprofits, and empowering these community organizations to do more through tech enablement and digital transformation
- Driving opportunities in these regions for reskilling, or skilling that leads directly to employability in the community
- Connecting these local regions to high-speed internet and working with Microsoft's Airband Initiative toward the goal of bringing broadband access to 3 million Americans living in unserved rural areas of the United States

Timing of Fellowship Activities:

September 2023–June 2024

- Onboarding phase: May 2023–July 2023
- Project execution (with technical assistance & cohort activities):
September 2023–June 2024
- In-person program kick-off September 2024
In-person program wrap up June 2024

"A participating fellow will be a locally anchored person leading organizations focused on digital inclusion efforts"

"Communities of all size are beginning to establish chief digital inclusion officers and organizations/task force to bridge the digital divide in the wake of COVID and to align to Federal and State funding programs. The fellowship content and experience will help these leaders formulate and articulate their strategies to align to these opportunities through a community-based collective impact approach."

Great partners:

- a. Are mission driven organizations that have a driving belief that real change is possible through partnership and persistence.
- b. Intimately know their community's biggest challenges and opportunities.
- c. Have a demonstrated ability to convene a diverse set of stakeholders from the private and public sectors. Letters of support are a great signal of this ability.

<https://query.prod.cms.rt.microsoft.com/cms/api/am/binary/RWXsxX>

"TechSpark's purpose was to explore regional challenges and determine how technology could contribute to creating employment opportunities and boosting economic growth."

We are inviting government, business, and nonprofit leaders to join us as we continue our learning journey and find inclusive ways for all communities to address the digital divide and drive economic growth.

This success is a testament to the power of having a trusted community engagement leader on the ground, who can bring focus to local problems and drive opportunities for systemic change. This change is possible through collaboration with government, business, and nonprofit leaders and Microsoft's global resources to create tech-driven ecosystems. This has resulted in a more engaged community, demonstrating the power of technology, knowledge, resources, and support in solving local challenges.

According to Code.org, there are currently 8,819 open computing jobs with an average salary of \$80,546 in Wisconsin, though there were only 1,557 graduates in computer science in 2020 and only 66% of all public high schools teach a foundational computer science course."

Microsoft TechSpark's Success Sets a National Model

<https://www.linkedin.com/pulse/microsoft-techsparks-success-sets-national-model-michelle-schuler>

Microsoft TechSpark: Growing economic opportunity across the United States

<https://blogs.microsoft.com/on-the-issues/2023/02/15/microsoft-techspark-expansion-fellows/>

Microsoft, Green Bay Packers launch tech initiative in Wisconsin

<https://www.seattletimes.com/business/microsoft/microsoft-green-bay-packers-launch-tech-initiative-in-wisconsin/>

Microsoft expands digital jobs program with Green Bay-area roots to all 50 states

<https://www.greenbaypressgazette.com/story/news/2023/02/15/microsoft-expands-it-jobs-program-with-state-roots-to-all-50-states/69902457007/>

Addressing the Digital Divide

Digital Equity, Inclusion, Justice

Outdoor

Public WiFi

LMI Neighborhood
Locations

Digital Equity

Policy & Strategic
Plan

Low-Cost Computer & Internet Availability:

Connect2Compete: Unified School District 501 & Cox, ???

Bridging the Gap: IBSA & Dept. of Children and Families

Connectivity Access:

Wired & Wireless Service (*Cox ACP, PCs for People, AT&T, Other?*)

LMI Neighborhood Benefit: (*Onsite Access to technology*)

Education: Evening, After-School & Weekend Programs

Employment & Training: Relevant Workshops, Classes, Counseling

Small Business & Entrepreneurship: Courses, Workshops, Events

Nonprofit Development: Program Development & Support Services

Health & Well-Being: Medical Assistance Online (*tele-medicine*)

Digital Stewardship Programs:

Computer Refurbishing, Wireless Network Maintenance, Literacy & Life Skills, Etc..

DRAFT – American Rescue Plan Recommendations (City of Topeka)

Prepared By: Lazone Grays, IBSA, Inc. February 7, 2022

Recommended

\$600,000

Neighborhood

Multi-Purpose

Tech & Learning

Resource Centers

Digital Tech

Skills Training

Areas Impacted:

Workforce

Business

LMI Youth & Adults

Senior Citizens

LMI Neighborhoods

Release Date: July 20, 2023

TOPEKA, KANSAS - Microsoft announced IBSA, Inc., has been selected to participate in its **TechSpark Fellows Program**.

Participation in the Microsoft TechSpark Fellows Program will enhance the work already taking place by IBSA in the area of bringing tech-based learning and tech-related services to underserved neighborhoods that historically have been under-invested in.

IBSA is a Not-For-Profit Kansas Corporation that advocates for equitable public policies, more trade & tech skill development opportunities, increased supplier diversity efforts, and have provided employment training and related support services to those referred for job search or enterprise development activities since 1993.

A Microsoft grant will be provided to fund the TechSpark Community Engagement Fellow that spearheading the local effort to help foster digital access, inclusion & transformation in an inclusive manner; as well as targeted computer skills education for low-income youth and adults. As the IBSA President/CEO TechSpark Fellow Lazone Grays will continue working with other local, state and regional partners to fulfill the objectives of the Microsoft TechSpark Fellows Program.

Since its inception in 2017, TechSpark has helped its eight communities secure more than \$125 million in community funding, skill 55,000 people, and create 3,300 jobs.

This Fellowship represents the first time TechSpark has worked in Kansas.

For more information and to learn more about the Microsoft TechSpark Program, visit the following websites.

<https://www.microsoft.com/en-us/corporate-responsibility/techspark>

<https://blogs.microsoft.com/on-the-issues/2023/02/15/microsoft-techspark-expansion-fellows>

#

Through the TechSpark Fellows program, we aim to empower nonprofits with tools, resources, and expertise to amplify their mission and create lasting social impact. Our commitment to expanding TechSpark nationwide reflects our dedication to bridging the digital divide and building a more inclusive and equitable future for all.

About Microsoft TechSpark Fellows Program (August 2023)

Purpose

TechSpark Fellow: Lazone Grays, IBSA, Inc.

To support community organizations focused on creating economic opportunities through digital inclusion, digital skilling, digital transformation, and ecosystem building.

Award & Benefits

Selected applicants will receive a grant; coaching on community engagement from Microsoft; in-person convenings to develop and active best practices, access to Microsoft resources and related support; and peer learning opportunities

Program Overview

Community organizations focused on creating inclusive economic opportunities will receive a mix of funding and contextual technical assistance through in-person and virtual support. Throughout the fellowship, fellows will be guided to select a focus area and build an engagement project from the following topic areas: (Digital Access, Computer Science Education, Digital Skilling in Workforce Development, and Digital Transformation).

“Our work with TechSpark taught us that the partner is the most important component of driving change in a community. Great partners (a) are mission driven organizations that have a driving belief that real change is possible through partnership and persistence (b) intimately know their community’s biggest challenges and opportunities (c) have a demonstrated ability to convene a diverse set of stakeholders from the private and public sectors. These criteria will be evaluated through a grant application and community letters of support” (Microsoft)

Focus Areas

Proposed projects and activities must do the following:

- **Workforce development programs focused on supporting individual job seekers through digital skilling.**
- Growing your community’s tech-based start-ups
- **Supporting small and medium business (for-profit or non-profit) with digital transformation**
- **Developing your community’s digital access strategic plan in support of federal, state or local funding like the Broadband Equity, Access, and Deployment (BEAD) Program and Digital Equity Act (DEA)**
- Providing access to affordable broadband and low-cost devices
- **Growing the number of computer science education classes in your community**

Prepared By: Lazone Grays, IBSA, Inc., President/CEO

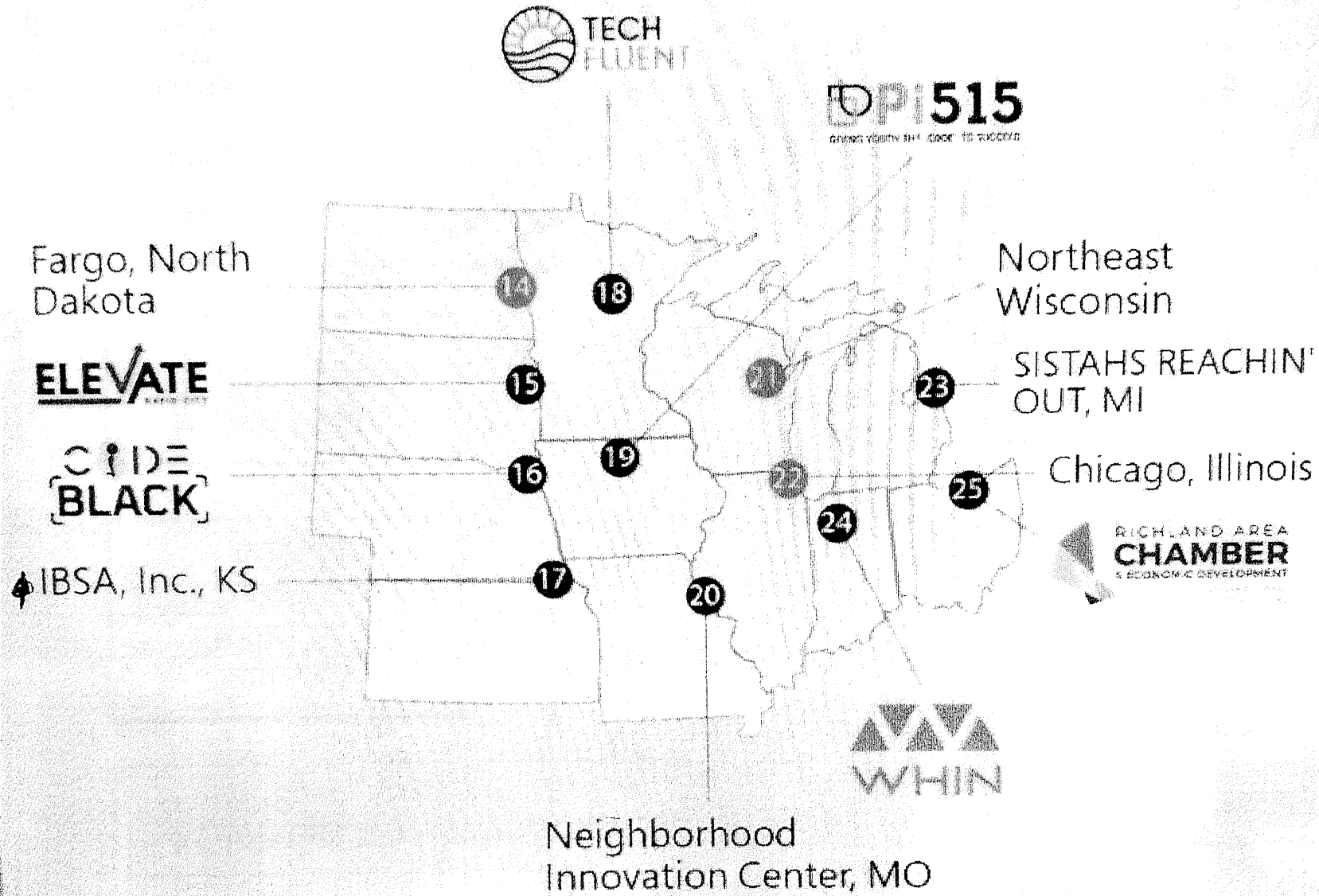
Submitted to Topeka City Council – 8/8/2023

www.ibsa-inc.org

<https://query.prod.cms.rt.microsoft.com/cms/api/am/binary/RWXsxX>

Midwestern United States

- TechSpark Fellows
- TechSpark Managers



Highland Acres Neighborhood Resource & Family Center
2620 SE 23rd Topeka, Kansas 66605

<p>Onsite Classes or Workshops: Job Club (Workshop) Computer & Technology Use Web Development: WordPress Virtual Tools, 3D-Printing, Etc. Basic Typing & Advanced Use Nutrition, Health & Wellness Parenting Pre-apprenticeship Other... financial literacy, etc....</p>	<p>Onsite Services: Self-Serve Computer Access Online Job Search Assistance Document Preparation Direct Assistance Completing Tasks <i>Referral to other Community-based Services, Programs & Organizations</i> <i>Food, Housing, Clothing, Appliances, Education, Employment, Job Training, Volunteering, Impact Avenues...</i></p>	<p>Meeting Space Use: One-On-One Virtual Job Fairs & Interviews Meetings for Mentoring Confidential Meetings with Clients Coworking, Other... Small Groups Workshops, Classes, Planning High School Students (HPHS) Washburn University Students NIA's, Other Compatible Nonprofits</p>
<p>Off-site Partner Invites...? Topeka / Shawnee County Public Library Computer Classes Create node for center computers to access library computer City of Topeka (<i>use by digital/tech navigators</i>) Community Resources Council (CRC) Go Topeka Small Business Workshops (LMI) (HUD Section 3) Support for Youth Enterprise Development Support Workforce Initiatives (Youth & Adult) Washburn University <u>Student Groups:</u> BSU, Nursing, Law School, School of Business IBSA @ Washburn, Other...?</p>		<p>IBSA Programs, Services, Activities: Adult Job Coaching, Development, Support Services Office/Clerical Worksite Training, Transitional Jobs Disadvantaged Business Development (LMI) Document Preparation & Support Services Online Marketing, Networking Opportunities Youth Streets University WordPress Training & Salesmanship *<i>Neighborhood Holiday Greeting Card Sales</i> Digital Stewardship, Community Planning Activities Community Service (court referred) Office/Clerical, Building Maintenance <i>Referral to other community-based services</i></p>
<p>Onsite Program & Service Partners: Erma Forbes (Gil Carter Initiative) Tara James-Wallace</p>		<p align="right">Prepared 11/11/2022 <i>Target Pop: DCF TANF, SNAP & VR Recipients</i> <i>WIOA Clients &, HUD Section 3 Participants</i></p>