

## **Governing Body Minutes – September 5, 2023**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, September 5, 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 Valdivia-Alcala, Ortiz and Naeger participated remotely-3. Mayor Padilla presided -1. Councilmember Emerson was absent -1.

Public comment for the meeting was available via Zoom or in-person. Individuals were required to contact the City Clerk's Office at 785-368-3940 or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) by no later than 5:00 p.m. on September 5, 2023, after which the City Clerk's Office provided the Zoom link information and protocols prior to the meeting start time. Written public comment was also considered to the extent it was personally submitted at the meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) on or before September 5, 2023, for attachment to the meeting minutes.

AFTER THE MEETING was called to order Councilmember Valdivia-Alcala provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Mark Zillinger to the Topeka-Shawnee County Public Library Board of Trustees for a term ending April 30, 2027, was presented. (*Council District No. 8*)

Councilmember Kell moved to approve the appointment. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. The Mayor does not vote. (9-0-0)

AN UPDATE on Topeka Fire Department Operations as it relates to recent extreme hot weather conditions was provided by Randy Phillips, Topeka Fire Chief.

Councilmember Valdivia-Alcala thanked Chief Phillips for providing statistics and asked if there has been an increase in call volumes related to extreme weather conditions. She questioned who makes the determination in level of care.

Chief Phillips reported there was a layer of service providers that are utilized in regards to determining the type of service needed, however, hospitals make the final determination on code types.

Councilmember Dobler expressed concern with the level of ambulance transportation services available in the community. He stated the City continues to increase the annual budget to support improved services and questioned if the City receives any payment reimbursement for ambulance services. He provided the number of ambulance units serving comparable counties and cities, and stated he believes it was time to review the ambulance service being received in the Topeka-Shawnee County area. He noted the City pays for firefighters to receive Basic Life Support (BLS) and Advanced Life Support (ALS) training and it should be utilized as such.

Chief Phillips reported the City receives no reimbursement from American Medical Response (AMR) and confirmed, the City continues to train firefighters and combine both BLS and ALS trained firefighters on response teams.

CONSENT AGENDA was presented as follows:

APPROVAL of a Public Works Administration Contract NO. 51571 between the City of Topeka and Thompson Consulting Services, LLC, for on call services related to disaster response, was presented.

RESOLUTION NO 9466 introduced by Councilmember Spencer Duncan, granting Christ the King Catholic Church an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. (*Council District No. 8*)

ORDINANCE NO. 20449 introduced by Interim City Manager, Richard U. Nienstedt, allowing and approving City expenditures for the period May 27, 2023 to June 30, 2023 and enumerating said expenditures therein, was presented.

ORDINANCE NO. 20450 introduced by Interim City Manager Richard U. Nienstedt, allowing and approving City expenditures for the period July 1, 2023 to July 28, 2023 and enumerating said expenditures therein, was presented.

APPROVAL of CONTRACT NO. 51594 between Strategic Government Resources (SGR) and the City of Topeka for Interim City Manager Services, was presented.

MINUTES of the regular meeting of August 22, 2023 was presented.

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

#### PUBLIC HEARING

To consider comment from the public concerning the Governing Body's consideration whether to exceed the TMTA's revenue neutral rate of 3.853 and impose a proposed tax rate of 4.2 mills, was presented.

RESOLUTION NO. 9467 introduced by Interim City Manager Richard U. Nienstedt, to levy a property tax rate on behalf of the Topeka Metro Transit Authority (TMTA) that exceeds the Revenue Neutral Rate, was presented.

Richard U. Nienstedt, Interim City Manager, stated the City's budget includes a levy of 4.2 mills on behalf of the TMTA to provide funding for bus services. However, the County Clerk in accordance with Statute Statute, has established the RNR rate for the TMTA at 3.853 which

means the Governing Body cannot levy a tax of 4.2 mills unless it first passes a resolution to exceed that mill levy rate. He stated after considering comment and closing the public hearing, the law requires the Governing Body to vote on the proposed resolution.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak to the matter.

George Brown referenced past City budgets and the excess dollars left over each year. He expressed concern with the cut in services and asking for an increase in budget dollars. He commended TMTA for providing free rides to school students and inquired if school districts are paying TMTA for this service.

Roger Miller, TMTA Board of Directors President, stated riders are those that need the service; and they have reached out to school districts with no response in regards to considering reimbursement of costs. He reported the cut in services was in locations where routes were not being utilized, however, they have increased the Metro On-Demand (MOD) Program service focusing on those individuals using the service the most. He noted the overage or excess funding was directly related to grant funding received during the COVID-19 pandemic.

Upon no one else appearing, Mayor Padilla announced the public hearing was closed.

Councilmember Kell spoke in support of continued service to veterans at the Topeka VA Hospital.

Councilmember Hiller stated the 4.2 mills has remained constant for the past several, and requested TMTA provide a budget update prior to the approving annual mill levy rate.

Councilmember Dobler moved to approve the resolution and not exceed a Revenue Neutral Rate (RNR) of 4.2 mills. The motion seconded by Councilmember Hiller carried unanimously on roll call vote. (10-0-0)

## PUBLIC HEARING

To consider comment from the public concerning the Governing Body's consideration of adopting a budget for 2024 that exceeds the Revenue Neutral Rate (RNR) which is 35.741, was presented.

RESOLUTION NO. 9468 introduced by Interim City Manager Richard U. Nienstedt to levy a property tax rate that exceeds the City of Topeka's Revenue Neutral Rate, was presented.

Richard U. Nienstedt, Interim City Manager, reported State Statute requires the Governing Body to hold a public hearing to allow comment regarding exceeding the revenue neutral rate. He stated after the public hearing was conducted, the Governing Body must determine whether or not to exceed the Revenue Neutral Rate of 35.741 and impose a levy of 37.963 mills.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak to the matter.

George Brown expressed concern with the confusion of the budget process as well as the appraisal process. He stated if citizens have to pay more for services they should see improved services for street repairs and fighting crime.

Upon no one else appearing, Mayor Padilla announced the public hearing was closed.

Councilmember Hiller asked Staff to provide an explanation of the initial mill levy being proposed compared to the current mill levy proposal.

Freddy Mawyin, Chief Financial Officer, reported the initial proposed mill levy rate remained flat from 2023 at 38.963, however, following budget discussions Staff reduced the mill levy by one resulting in a 37.963 mill levy rate.

Councilmember Kell stated he concurs with statements made by George Brown specifically related to improved services to reduce crime.

09-05-23

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Councilmember Hiller asked for confirmation that approval of the RNR resolution only sets the mill levy cap.

Amanda Stanley, City Attorney, stated the Governing Body will decide whether or not they would like to exceed the revenue neutral rate by passage of a resolution. Once this matter was decided, they will proceed to conducting the operating budget public hearing, followed by approval of an ordinance adopting the budget on September 12, 2023.

Councilmember Dobler moved to approve the resolution and not exceed a Revenue Neutral Rate (RNR) of 37.963 mills. The motion was seconded by Councilmember Emerson.

Councilmember Duncan stated he would oppose the proposed resolution unless it reflects a 35.741 mill levy rate.

The motion to approve the resolution and not exceed a Revenue Neutral Rate (RNR) of 37.963 mills carried on roll call vote. Councilmembers Valdivia-Alcala, Duncan and Hoferer voted “no.” (7-3-0)

#### PUBLIC HEARING

PUBLIC HEARING for the purpose of hearing and answering objections of taxpayers relating to the proposed City of Topeka 2024 Operating Budget, was presented.

Richard U. Nienstedt, Interim City Manager, reported the FY24 Proposed Budget lowers the City’s overall mill levy by a one mill while supporting the priorities set forth by the Governing Body. He stated the mill levy reduction aims to address the financial needs of constituents while ensuring effective resource allocation and responsible fiscal management.

Freddy Mawyin, Chief Financial Officer, stated the proposed budget strategy was twofold, focusing on leveraging reserve funds to provide direct property tax relief. He provided an overview of the proposal reducing the Reserve Fund balance by \$2.3 million and using it in a

responsible manner to deliver benefits to the community; a decrease of one-mill in the property tax levy directly addressing the concerns of residents dealing with high property tax assessments; and the proposal will allow the City to fund \$1.5 million of Neighborhood Infrastructure (DREAMS) through the operating budget rather than through debt.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak to the matter.

George Brown expressed concern with where budget dollars are being allocated and stated he has reviewed the City's budget book and the TMTA budget and the numbers do not match.

Michael Byington inquired on the status of the Bird Scooter Contract with the City of Topeka and expressed concern with the danger of scooter operators sharing sidewalks with pedestrians, specifically those visually impaired. He stated they have requested Bird Scooters be equipped with a sounding device, however, the request was denied by Bird. He requested the City terminate the contract.

Upon no one else appearing, Mayor Padilla closed the public hearing.

Councilmember Duncan inquired on the terms of the Bird Scooter Contract.

Amanda Stanley, City Attorney, reported the City was in a 4-year contract with Bird Scooter executed in October 2022, and according to the contract language it could be terminated at any time.

Councilmembers Hiller and Kell expressed concern with how scooters are parked and spoke in support of requiring a sounding device.

Councilmember Valdivia-Alcala spoke in opposition of the Bird Scooter contract due to the dangers associated with the service.

Councilmember Valdivia-Alcala referenced an email she received from JUMP (Attachment A) opposing the \$30,000 allocated in the 2024 budget for the S.A.V.E. (Strategies Against Violence Everywhere) program as they are concerned it may be a duplication of services and not doing what it was intended to do. She plans to remove the funding from the proposed budget and will forward the email to the City Manager, City Attorney and City Clerk.

Councilmember Hiller asked how best to handle the situation and questioned if they should reallocate instead of eliminating the funds to allow the program representative an opportunity to provide an explanation of services. She spoke in support of the proposed budget as presented by Staff and their continued work on the CIP to only fund major projects as intended. She suggested the Governing Body provide a directive to Staff to approve the budget as proposed with the stipulation to find an additional \$3 million in cuts. She also spoke in support of reprogramming items into one-time expenses to help in the long term. She stated she believes these are the types of things a new city manager would be seeking in terms of sound fiscal operations. She provided a detailed explanation of her thoughts on tax rebate program options.

RESOLUTION NO. 9469 introduced by the members of the Policy and Finance Committee establishing a City Property Tax Rebate for 2024, was presented.

Richard U. Nienstedt, Interim City Manager, stated approval would authorize the development of a rebate program for 2024 City property taxes for those who need assistance the most.

Councilmember Duncan reported the proposal was discussed by the Policy and Finance Committee and would offer eligible residents with a partial or full rebate on their property taxes. He stated it targets those who need assistance the most and allow the elderly population stay to in their home as long as possible.



Councilmember Hiller expressed concern with how the program would work in her Council District. She asked for additional information on the gap between the homestead tax and what the City was offering. She suggested retaining the \$300,000 in the budget and continue to research possible viable rebate options.

Councilmember Valdivia-Alcala spoke in support of the resolution as proposed.

Councilmember Duncan stated from the beginning of discussion he has always proposed a 100% rebate that would benefit the entire city as a whole not just one council district.

Councilmember Duncan moved to approve the resolution. The motion seconded by Councilmember Naeger carried on roll call vote. Councilmember Hiller voted “no.” (9-1-0)

RESOLUTION NO. 9470 introduced by the members of the Policy and Finance Committee approving a redevelopment incentive program for the NOTO Business Improvement District, was presented.

Richard U. Nienstedt, Interim City Manager, stated approval would adopt the recommendation of the Policy and Finance Committee to approve grant funding in the amount of \$50,000 for 2024, and that same amount in 2023 if available in the 2023 budget.

Councilmember Duncan reported the Policy and Finance Committee was recommending approval of the NOTO BID Advisory Board request of \$50,000 in funding to provide grants to businesses within the BID similar to the grant program provided by the Capital City Downtown Business Improvement District (Downtown BID).

Councilmember Valdivia-Alcala commended Thomas Underwood, NOTO Arts District Executive Director, for bringing the proposal forward.

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

RESOLUTION NO. 9471 introduced by the members of the Public Infrastructure Committee comprised of Council Member Tony Emerson, Deputy Mayor Neil Dobler and Council Member Michelle Hoferer recommending approval of certain public infrastructure projects, was presented.

Braxton Copley, Public Works Director, reported approval of the resolution would authorize the following construction projects costing over \$250,000:

- Valley Park SORT Project 601125.01
- North Topeka West Mill and Overlay (SORT) Project 601133.06
- SW 6<sup>th</sup> and Oakley and SW 6th and MacVicar Intersections Project 841079.11
- SW MacVicar Avenue (170 feet South of 6th Avenue) Project 841097.15
- SE 6th and Golden Traffic Signal Project 141033.02
- SW 17th Street and SW Fairlawn Road Traffic Signal Project 141035.05

Councilmember Emerson, Public Infrastructure Committee Chair, reported the Committee recommended approval by a vote of 3-0-0 on August 29, 2023. He noted only \$300,000 would be bonded.

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

AN ORDINANCE introduced by Interim City Manager Richard U. Nienstedt authorizing establishment of a fund comprised of excess general funds, the proceeds of which will be used to address homelessness, was presented.

Richard U. Nienstedt, Interim City Manager, stated approval will establish a fund to address homelessness and authorize the transfer of up to \$1 million from excess general funds into the new fund.

Amanda Stanley, City Attorney, stated approval would utilize home rule power to establish a reserve fund for the specific purpose of these funds that have not yet been determined,

however, the funds will be available for efforts to assist those in the community experiencing homelessness. The Governing Body will decide how to use those funds.

Interim City Manager Nienstedt reported no dollars would be spent from the fund unless approved by the Governing Body to support transparency in the process.

Councilmember Kell questioned if the fund was redundant.

City Attorney Stanley stated there was currently no similar fund in the City's budget.

Interim City Manager Nienstedt stated the proposed concept would be used for programs to address the homeless in the city not to hire additional staff.

Councilmember Ortiz asked how the funds would help address mental health and addiction as these are the main contributing factors to homelessness.

City Attorney Stanley reported the funding could be used for root causes such as mental health as the fund definition in the ordinance was very broad. She noted it simply creates the fund so the Governing Body could determine the amount and how it could be used at a later time.

Adam Vaughn, Budget Manager, reported the funding has been proposed because it was anticipated sales tax revenue would over perform. He stated by making the funding decision at this time, it allows increased flexibility in the FY24 budget and the City to reduce the overall mill levy by one mill, providing much-needed tax relief for city residents and businesses as well as pay for the approved Topeka Fire Union Contract. He noted the projected reserve fund balance for 2024 would be 22%.

Councilmember Dobler stated he would be more comfortable creating the fund if there was a plan in place to address the homeless issue.

Councilmember Hoferer questioned how the money could be spent.

City Attorney Stanley stated due to the broad definition there are various options for the Governing Body to consider.

Councilmember Valdivia-Alcala stated it could take up to 8 months to make an overall plan as the CORE Team works with Sylver Consulting. She referenced the need to establish an accurate unsheltered count to properly fund the City's E.A.S. program. She reported the \$1 million amount was proposed by the former City Manager and spoke in support of all expenditures being approved by the Governing Body.

Councilmember Emerson spoke in opposition of the ordinance until a detailed plan has been established.

Councilmember Duncan stated Staff provided a proposal as suggested by the Governing Body, however, if the Body was not ready to allocate the proposed \$1 million they would still have options to consider.

Councilmember Hiller stated she concurs with statements made by Councilmember Valdivia-Alcala specifically as it relates to the importance of an overall plan. She noted they could earmark a certain amount and include a sunset in the ordinance. She inquired if Shawnee County has earmarked funding to address the homeless initiative.

Councilmember Kell spoke to the importance of having a plan in place that works for the city as a whole before moving forward with establishing a fund.

Councilmember Valdivia-Alcala stated many of the key players are serving on the CORE Team that will be working over the next 8 months with the consultant and spoke in support of implementing a sunset regarding the use of the fund.

Councilmember Dobler commended City Attorney Stanley and Interim City Manager Nienstedt for working to address the problem. He stated at the end of the year the City will have

an excess of \$2 to \$3 million available for use.

City Attorney Stanley provided an overview of the following options available to the Governing Body:

1. Rule 6.3(d) Motions: To Defer. Consideration of any ordinance, resolution or other matter on a meeting agenda may be deferred for up to six (6) months.
2. Rule 6.3(f)(2) Motions: To Amend. Wait Period. An item previously acted upon may not be amended or rescinded until four (4) months has elapsed since the previous action.
3. Take no action.

Interim City Manager Nienstedt stated the Governing Body does not have to make a decision right now, however, he wanted to make sure the matter was discussed.

Mayor Padilla spoke to the concerns raised as to the importance of having a plan in place and agrees it was essential. He encouraged the Governing Body to take action whenever possible over the next 8 months and spoke in support of acting while planning.

Councilmember Valdivia-Alcala stated it was important to continue working and acting while creating a plan.

No action was taken by the Governing Body.

PUBLIC COMMENT was provided by the following individual:

Paul Lassey spoke in support of a mandatory work program for the unsheltered population. He expressed concern with his rent being increased and the lack of improvements to the mobile home park where he lives. He reported he has been dealing with hazardous trees for the past four years destroying his property. He asked the City to consider increasing regulations related to the trimming of trees.

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

Brenda Younger, City Clerk, provided an overview of the September 12, 2023, Governing Body meeting agenda.

Richard U. Nienstedt, Interim City Manager, announced on October 12, 2023, the Kansas Association for Public Purchasing Professionals (KAPPP) will host the Reverse Vendor Fair at the Historical Great Overland Station located at 200 NW Railroad Street, Topeka, from 8:30 a.m. to 2:00 p.m..

Councilmember Ortiz announced she toured the Net Zero house constructed by Strengthening & Equipping Neighborhoods Together (SENT) and stated she looks forward to more units. She commended K-State and Kansas University for their partnership. She referenced the recent increase to water utility rates, and asked Interim City Manager Nienstedt if a water share program similar to Low Income Energy Assistance Program (LIEAP) was created, and if so, to provide her with program information.

Councilmember Kell referenced the many childhood diseases and asked citizens to consider donating to organizations to help find a cure.

Councilmember Naeger announced the 48<sup>th</sup> Annual Huff & Puff would be held September 8-10, 2023 at the Mount Hope Balloon Field. She stated more information could be found on the website at [www.huff-n-puff.org](http://www.huff-n-puff.org).

Councilmember Duncan commended the City's Water Division for their hard work during the hot weather.

Councilmember Hiller complimented the Net Zero SENT program and commended the partnerships involved. She announced the water assistance program was included in the proposed budget for 2024. She requested all attachments be included in preliminary agenda packets when

posted and distributed. She also requested all agenda items be discussed prior to action being taken by the Governing Body.

Mayor Padilla recognized Braxton Copley, Public Works Director, for being selected to represent the City of Topeka in the Bloomberg Harvard City Lab Program; and Ernestor De La Rosa, Chief of Diversity, Equity and Inclusion Officer for being nominated to serve on the Welcoming America Board of Directors.

NO FURTHER BUSINESS appearing the meeting adjourned at 8:54 p.m.

(SEAL)

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Brenda Younger City Clerk

AN UPDATE on Topeka Fire Department Operations as it relates to recent extreme hot weather conditions was provided by Randy Phillips, Topeka Fire Chief.

Councilmember Valdivia-Alcala thanked Chief Phillips for providing statistics and asked if there has been an increase in call volumes related to extreme weather conditions. She questioned who makes the determination in level of care.

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Councilmember Hiller asked how best to handle the situation and questioned if they should reallocate instead of eliminating the funds to allow the program representative an opportunity to provide an explanation of services. She spoke in support of the proposed budget as presented by Staff and their continued work on the CIP to only fund major projects as intended. She suggested the Governing Body provide a directive to Staff to approve the budget as proposed with the stipulation to find an additional \$3 million in cuts. She also spoke in support of reprogramming items into one-time expenses to help in the long term. She stated she believes these are the types of things a new city manager would be seeking in terms of sound fiscal operations. She provided a detailed explanation of her thoughts on tax rebate program options.

RESOLUTION NO. 9469 introduced by the members of the Policy and Finance Committee establishing a City Property Tax Rebate for 2024, was presented.

Richard U. Nienstedt, Interim City Manager, stated approval would authorize the development of a rebate program for 2024 City property taxes for those who need assistance the most.

Councilmember Hiller expressed concern with how the program would work in her Council District. She asked for additional information on the gap between the homestead tax and what the City was offering. She suggested retaining the \$300,000 in the budget and continue to research possible viable rebate options.

Councilmember Valdivia-Alcala spoke in support of the resolution as proposed.

Councilmember Duncan stated from the beginning of discussion he has always proposed a 100% rebate that would benefit the entire city as a whole not just one council district.

Councilmember Duncan moved to approve the resolution. The motion seconded by Councilmember Naeger carried on roll call vote. Councilmember Hiller voted “no.” (9-1-0)

RESOLUTION NO. 9470 introduced by the members of the Policy and Finance Committee approving a redevelopment incentive program for the NOTO Business Improvement District, was presented.

Richard U. Nienstedt, Interim City Manager, stated approval would adopt the recommendation of the Policy and Finance Committee to approve grant funding in the amount of \$50,000 for 2024, and that same amount in 2023 if available in the 2023 budget.

Councilmember Duncan reported the Policy and Finance Committee was recommending approval of the NOTO BID Advisory Board request of \$50,000 in funding to provide grants to businesses within the BID similar to the grant program provided by the Capital City Downtown Business Improvement District (Downtown BID).

Councilmember Valdivia-Alcala commended Thomas Underwood, NOTO Arts District Executive Director, for bringing the proposal forward.

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

RESOLUTION NO. 9471 introduced by the members of the Public Infrastructure Committee comprised of Council Member Tony Emerson, Deputy Mayor Neil Dobler and Council Member Michelle Hoferer recommending approval of certain public infrastructure projects, was presented.

Braxton Copley, Public Works Director, reported approval of the resolution would authorize the following construction projects costing over \$250,000:

- Valley Park SORT Project 601125.01
- North Topeka West Mill and Overlay (SORT) Project 601133.06
- SW 6<sup>th</sup> and Oakley and SW 6th and MacVicar Intersections Project 841079.11
- SW MacVicar Avenue (170 feet South of 6th Avenue) Project 841097.15
- SE 6th and Golden Traffic Signal Project 141033.02
- SW 17th Street and SW Fairlawn Road Traffic Signal Project 141035.05

Councilmember Emerson, Public Infrastructure Committee Chair, reported the Committee recommended approval by a vote of 3-0-0 on August 29, 2023. He noted only \$300,000 would be bonded.

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

AN ORDINANCE introduced by Interim City Manager Richard U. Nienstedt authorizing establishment of a fund comprised of excess general funds, the proceeds of which will be used to address homelessness, was presented.

Richard U. Nienstedt, Interim City Manager, stated approval will establish a fund to address homelessness and authorize the transfer of up to \$1 million from excess general funds into the new fund.

Amanda Stanley, City Attorney, stated approval would utilize home rule power to establish a reserve fund for the specific purpose of these funds that have not yet been determined,



however, the funds will be available for efforts to assist those in the community experiencing homelessness. The Governing Body will decide how to use those funds.

Interim City Manager Nienstedt reported no dollars would be spent from the fund unless approved by the Governing Body to support transparency in the process.

Councilmember Kell questioned if the fund was redundant.

City Attorney Stanley stated there was currently no similar fund in the City's budget.

Interim City Manager Nienstedt stated the proposed concept would be used for programs to address the homeless in the city not to hire additional staff.

Councilmember Ortiz asked how the funds would help address mental health and addiction as these are the main contributing factors to homelessness.

City Attorney Stanley reported the funding could be used for root causes such as mental health as the fund definition in the ordinance was very broad. She noted it simply creates the fund so the Governing Body could determine the amount and how it could be used at a later time.

Adam Vaughn, Budget Manager, reported the funding has been proposed because it was anticipated sales tax revenue would over perform. He stated by making the funding decision at this time, it allows increased flexibility in the FY24 budget and the City to reduce the overall mill levy by one mill, providing much-needed tax relief for city residents and businesses as well as pay for the approved Topeka Fire Union Contract. He noted the projected reserve fund balance for 2024 would be 22%.

Councilmember Dobler stated he would be more comfortable creating the fund if there was a plan in place to address the homeless issue.

Councilmember Hoferer questioned how the money could be spent.

City Attorney Stanley stated due to the broad definition there are various options for the Governing Body to consider.

Councilmember Valdivia-Alcala stated it could take up to 8 months to make an overall plan as the CORE Team works with Sylver Consulting. She referenced the need to establish an accurate unsheltered count to properly fund the City's E.A.S. program. She reported the \$1 million amount was proposed by the former City Manager and spoke in support of all expenditures being approved by the Governing Body.

Councilmember Emerson spoke in opposition of the ordinance until a detailed plan has been established.

Councilmember Duncan stated Staff provided a proposal as suggested by the Governing Body, however, if the Body was not ready to allocate the proposed \$1 million they would still have options to consider.

Councilmember Hiller stated she concurs with statements made by Councilmember Valdivia-Alcala specifically as it relates to the importance of an overall plan. She noted they could earmark a certain amount and include a sunset in the ordinance. She inquired if Shawnee County has earmarked funding to address the homeless initiative.

Councilmember Kell spoke to the importance of having a plan in place that works for the city as a whole before moving forward with establishing a fund.

Councilmember Valdivia-Alcala stated many of the key players are serving on the CORE Team that will be working over the next 8 months with the consultant and spoke in support of implementing a sunset regarding the use of the fund.

Councilmember Dobler commended City Attorney Stanley and Interim City Manager Nienstedt for working to address the problem. He stated at the end of the year the City will have

an excess of \$2 to \$3 million available for use.

City Attorney Stanley provided an overview of the following options available to the Governing Body:

1. Rule 6.3(d) Motions: To Defer. Consideration of any ordinance, resolution or other matter on a meeting agenda may be deferred for up to six (6) months.
2. Rule 6.3(f)(2) Motions: To Amend. Wait Period. An item previously acted upon may not be amended or rescinded until four (4) months has elapsed since the previous action.
3. Take no action.

Interim City Manager Nienstedt stated the Governing Body does not have to make a decision right now, however, he wanted to make sure the matter was discussed.

Mayor Padilla spoke to the concerns raised as to the importance of having a plan in place and agrees it was essential. He encouraged the Governing Body to take action whenever possible over the next 8 months and spoke in support of acting while planning.

Councilmember Valdivia-Alcala stated it was important to continue working and acting while creating a plan.

No action was taken by the Governing Body.

PUBLIC COMMENT was provided by the following individual:

Paul Lassey spoke in support of a mandatory work program for the unsheltered population. He expressed concern with his rent being increased and the lack of improvements to the mobile home park where he lives. He reported he has been dealing with hazardous trees for the past four years destroying his property. He asked the City to consider increasing regulations related to the trimming of trees.

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

Brenda Younger, City Clerk, provided an overview of the September 12, 2023, Governing Body meeting agenda.

Richard U. Nienstedt, Interim City Manager, announced on October 12, 2023, the Kansas Association for Public Purchasing Professionals (KAPPP) will host the Reverse Vendor Fair at the Historical Great Overland Station located at 200 NW Railroad Street, Topeka, from 8:30 a.m. to 2:00 p.m..

Councilmember Ortiz announced she toured the Net Zero house constructed by Strengthening & Equipping Neighborhoods Together (SENT) and stated she looks forward to more units. She commended K-State and Kansas University for their partnership. She referenced the recent increase to water utility rates, and asked Interim City Manager Nienstedt if a water share program similar to Low Income Energy Assistance Program (LIEAP) was created, and if so, to provide her with program information.

Councilmember Kell referenced the many childhood diseases and asked citizens to consider donating to organizations to help find a cure.

Councilmember Naeger announced the 48<sup>th</sup> Annual Huff & Puff would be held September 8-10, 2023 at the Mount Hope Balloon Field. She stated more information could be found on the website at [www.huff-n-puff.org](http://www.huff-n-puff.org).

Councilmember Duncan commended the City's Water Division for their hard work during the hot weather.

Councilmember Hiller complimented the Net Zero SENT program and commended the partnerships involved. She announced the water assistance program was included in the proposed budget for 2024. She requested all attachments be included in preliminary agenda packets when

posted and distributed. She also requested all agenda items be discussed prior to action being taken by the Governing Body.

Mayor Padilla recognized Braxton Copley, Public Works Director, for being selected to represent the City of Topeka in the Bloomberg Harvard City Lab Program; and Ernestor De La Rosa, Chief of Diversity, Equity and Inclusion Officer for being nominated to serve on the Welcoming America Board of Directors.

NO FURTHER BUSINESS appearing the meeting adjourned at 8:54 p.m.

(SEAL)

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Brenda Younger City Clerk

# ATTACHMENT A

**Brenda Younger**

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**From:** Amanda L. Stanley  
**Sent:** Tuesday, September 5, 2023 7:39 PM  
**To:** Brenda Younger  
**Cc:** Richard U. Nienstedt  
**Subject:** FW: Proposed 2024 Budget & SAVE

The email Councilwoman Valdivia-Alcala would like included.

Amanda L. Stanley  
City Attorney  
City of Topeka  
215 SE 7th St  
Topeka KS 66603  
785-368-3130  
[alstanley@topeka.org](mailto:alstanley@topeka.org)

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If you are not an intended recipient of this electronic mail message as listed above, please notify the sender immediately and delete or destroy the electronic message and all printed copies.

**From:** Michelle A. Hoferer <[mahoferer@topeka.org](mailto:mahoferer@topeka.org)>  
**Sent:** Tuesday, September 5, 2023 7:21 PM  
**To:** Richard U. Nienstedt <[ruienstedt@topeka.org](mailto:ruienstedt@topeka.org)>; Amanda L. Stanley <[alstanley@topeka.org](mailto:alstanley@topeka.org)>  
**Subject:** Fw: Proposed 2024 Budget & SAVE

Here is my copy of the email

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**From:** Topeka JUMP <[topeka.jump@gmail.com](mailto:topeka.jump@gmail.com)>  
**Sent:** Friday, September 1, 2023 3:58:25 PM  
**To:** Michelle A. Hoferer  
**Subject:** Proposed 2024 Budget & SAVE

This message originated from outside your organization

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Councilmember Hoferer,

We are writing in response to the city council's upcoming hearing for a 2024 budget that includes increased funding for SAVE on Tuesday, September 5th. We would like to make it known that Topeka JUMP does not support the SAVE program. It is not an evidence-based proven strategy to reduce gun violence. We were part of a group of organizations and community members that advocated for the evidence-based GVI strategy to be faithfully implemented in Topeka. After months of work, we realized that SAVE (which was initially supposed to be GVI) had become an at-risk youth mentorship program. There are already great organizations in Topeka that help at-risk youth, and GVI would have been a new approach to violence prevention.

Some fundamental issues that caused JUMP to have concerns and distance ourselves from this strategy were: (1) a lack of accountability, (2) SAVE leadership insisting that Adults 18 and over are too hard to work with (it is geared toward at-risk youth in schools). The vast majority of violence in Topeka is experienced and purported by adults, and (3) It appears to us to be a duplication of services.

Topeka JUMP is continuing to work on bringing a proven and reliable gun violence reduction initiative to Topeka and Shawnee County. Our goals are still the same: (1) To address the entire population with a proven strategy; (2) To actually reduce gun violence; (3) To help prevent retaliatory actions with the help of a "Community Moral Voice or Street Team," element to the violence prevention strategy. We are working diligently with partners throughout the community to bring forth a new violence reduction strategy that works to impact all who are trapped in the cycle of violence.

There are evidence-based violence reduction strategies across the country that work. It is our goal along with our partners to bring one of those strategies to Topeka and Shawnee County. Thank you for your time and consideration.

*Sincerely,*

*Violence Reduction Committee, Topeka JUMP*