

Governing Body Minutes – October 3, 2023

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, October 3, 2023. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M. with the following Councilmembers present: Councilmembers Hiller, Emerson, Ortiz, Kell, Naeger, Dobler, Duncan and Hoferer-8. Councilmembers Valdivia-Alcala participated remotely -1. Mayor Padilla presided -1.

Public comment for the meeting was available via Zoom or in-person. Individuals were required to contact the City Clerk's Office at 785-368-3940 or via email at cclerk@topeka.org by no later than 5:00 p.m. on October 3, 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 October 3, 2023, for attachment to the meeting minutes.

AFTER THE MEETING was called to order Pastor Ben Scott, Eastside Church of God, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

RESOLUTION NO. 9474 introduced by Councilmember Spencer Duncan approving the members of the Land Bank Board of Trustees, was presented.

Councilmember Duncan recognized the board has a small number of members; however, he assured all those that were interested in serving on the board that they would have the opportunity to take part in the process and decisions.

Councilmember Kell suggested staggering board member terms.

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

A PRESENTATION on the Topeka Fire Department Smoke Alarm Program was presented by Tony Standifer, Topeka Deputy Fire Chief.

Councilmember Ortiz thanked Deputy Chief Standifer for the presentation and reminded citizens the program was being offered free of charge. She expressed the importance of fire safety and encouraged Governing Body members and citizens to participate in the program.

Councilmember Hiller asked how citizens determine battery life of the units.

Councilmember Duncan asked if the Topeka Fire Department (TFD) has considered installing dual smoke and carbon dioxide alarms.

Deputy Chief Standifer reported the smoke alarms installed by TFD have a 10-year expiration and generally battery expiration dates are marked clearly on each unit. He also reported TFD installs only smoke alarms through a federal grant program, and those individuals with special needs can request a dual alarm through the local Red Cross organization.

A PRESENTATION on how Emergency Management leads the community before, during and after disaster, was presented by Dusty Nichols, Shawnee County Emergency Management (SCEM). He stated SCEM serves as a safety net for first responders during a disaster, and invited Governing Body members to tour the Emergency Management Command Center.

Councilmember Emerson thanked Dusty Nichols for the presentation and inquired on how a tornado disaster would be handled.

Councilmember Duncan asked who in the City would receive guidance from SCEM during a disaster.

Councilmember Valdivia-Alcala thanked Dusty Nichols for his presentation and expressed the importance of the City having an emergency coordinator, and asked if a workshop or training could be conducted to help Governing Body members be prepared. She inquired if the Community Emergency Response Team (CERT) Program was in place for Shawnee County.

Mayor Padilla thanked Dusty Nichols for the presentation and for inviting the Governing body to tour the Emergency Management Command Center.

Dusty Nichols stated the Governing Body should consider reinstating the City's Emergency Management Coordinator position. He reported if there was a disaster the first point of contact would be the City Manager. He suggested the Governing Body participate in the National Incident Management System (NIMS) Program G402 training, designed for elected officials by providing an overview of what would happen in the applicable jurisdiction; and the CERT Program will be in service soon with the first CERT Training Academy scheduled later this fall.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9475 introduced by Councilmember Valdivia-Alcala, granting LULAC Senior Center an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. (*Council District No. 2*)

RESOLUTION NO. 9476 introduced by Councilmember Tony Emerson, granting Fellowship Hi-Crest 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. 9477 introduced by Councilmember Valdivia-Alcala, granting Brass Rail Tavern an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. (*Council District No. 2*)

APPROVAL of a Public Works AIA Architect Contract between the City of Topeka and Schwerdt Design Group, Inc., in an amount not to exceed \$157,680 for engineering and architectural services, was presented.

MINUTES of the regular meeting of September 19, 2023, was presented.

Councilmember Ortiz requested Item 5D, a Professional Services Contract with Schwerdt Design Group, Inc., be removed from the consent agenda for separate discussion.

Upon hearing no objections, Mayor Padilla announced the item would be removed from the consent agenda and placed on the agenda as Action Item 6B.

Councilmember Dobler moved to approve the consent agenda as amended. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (10-0-0)

PUBLIC HEARING

PUBLIC HEARING regarding the petition filed by JTA Properties to vacate a public alley right-of-way, was presented.

ORDINANCE NO. 20459 introduced by Interim City Manager Richard U. Nienstedt relating to the vacation of a 16 - 18 foot wide public alley lying on the west side of property located at 301 SE Swygart Street in the City of Topeka, Shawnee County, Kansas, was presented. (V23A/02) (Council District No. 3)

Richard Nienstedt, Interim City Manager, stated approval would allow the property owner to construct a fence along the north side of the alley right-of-way.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak to the matter. Upon no one appearing the public hearing was closed.

Dan Warner, Planning Division Director, reported the request to vacate the alley right-of-way would allow the applicant to obtain a permit to construct a fence for security purposes

surrounding their property lying on both sides of the alley. He also stated City and County departments and Public Utility agencies have been provided the opportunity to review the proposed vacation and have no objections.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Hiller, Valdivia-Alcala, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan, Hoferer and Mayor Padilla -10.

APPROVAL of Public Works AIA Architect Contract NO. 51624 between the City of Topeka and Schwerdt Design Group, Inc., in an amount not to exceed \$157,680 for engineering and architectural services, was presented.

Richard Nienstedt, Interim City Manager, stated the contract was an important part of the process to provide the work needed to keep the project moving forward.

Braxton Copley, Public Works Director, reported the scope of work was limited; however, a robust team of experts would review the structural, mechanical, electrical, plumbing and environmental aspects of the property in order to provide a complete report on repairs and replacement systems needed to move forward with the project.

Councilmember Emerson thanked Public Works Director Copley for his work on the project.

Councilmember Hiller stated the initial sentiment of the Governing Body was not to be in the hotel business. She asked if there was an expectation that the City will have to complete the work suggested in the report in order to move forward with the project.

Councilmember Dobler expressed the importance of moving forward with the project as soon as possible and questioned when the Governing Body could expect a full report as it relates

to the 60-day timetable outlined in the contract.

Director Copley reported he has requested a preliminary report prior to the October 31, 2023, closing date with a full report in 60 days. He stated the review was to adhere to ASTM standards not only for the evaluation of the facilities but to also include the remaining useful life of systems as it relates to the best options of replacement or repair.

Interim City Manager Nienstedt stated the City could sale the hotel at this time, however, do to the condition of the hotel, it would not attract the type of developer the City was seeking to make it a successful conference center.

Councilmember Emerson moved to approve the contract. The motion seconded by Councilmember Naeger carried on roll call vote. Councilmembers Valdivia-Alcala and Ortiz voted “no.” (8-2-0)

PUBLIC COMMENT was provided by the following individuals:

Martha Boatright expressed concern with the lack of quality rental housing available in the city of Topeka and the high rental prices being charged compared to the living wage in Topeka. She spoke to her personal experiences of paying high rent for neglected housing and the need for a Tenants Bill of Rights guaranteeing safely maintained housing and reasonable rent prices. She suggested implementing penalties to punish out of state Landlords that fail to meet those expectations.

ShaMecha King Simms announced The Topeka Citizens Advisory Council (CAC) and other community partners are hosting the annual Poverty Simulation on October 26, 2023. She stated the purpose of the Simulation was to gain a deeper understanding of the impacts of economic exclusion, chronic lack of resources, and challenges to advocacy in low-income communities. She expressed her disappointment with Governing Body members and their lack of

interest in the initiative. She demanded they participate in the initiative or provide her names of volunteers that could make the event possible. She asked interested volunteers to sign up online at <https://www.topeka.org/government/boards-commissions/citizens-advisory-council/>.

Lazone Grays referenced an email (*Attachment A*) he sent the Governing Body on October 3, 2023, addressing the digital divide initiative through inclusion and equity. He stated the Kansas Office of Broadband Development Advisory Council 5-year Digital Equity Strategic Plan was seeking public comment. He announced the online public comment period could be accessed at <https://www.kansascommerce.gov> and would be open from October 2 through November 2, 2023. He asked the Governing Body to share the information with those that can make a difference.

Bjorn Garbick spoke about the City's "Dog at Large" penalty and his negative experience in dealing with the City of Topeka Municipal Court.

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

Councilmember Emerson thanked all first responders for their work in apprehending the person responsible for the death of 5-year old Zoey Felix on October 2, 2023. He asked everyone to keep the family in their prayers.

Councilmember Kell announced a community prayer vigil would be held for Zoey Felix at the First Presbyterian Church of Topeka, located at 817 SW Harrison Street, Topeka, from 5:00-6:00 p.m. on October 4, 2023.

Councilmember Hiller offered prayers to the family and friends of Zoey Felix and expressed her appreciation to the first responders who provided assistance during the tragedy.

Councilmember Valdivia-Alcala thanked ShaMecha King Simms for speaking about the importance of conducting a poverty simulation and what it means to the community. She offered a prayer for Zoey Felix.

Mayor Padilla thanked first responders for their response in the death of Zoey Felix. He spoke to the effect the tragedy has on the community and offered prayers of comfort to the family.

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 current litigation 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 Emerson.

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.” (9-1-0)

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

NO FURTHER BUSINESS appearing the meeting adjourned at 8:30 p.m.

(SEAL)

Brenda Younger City Clerk

Tonya L. Bailey

From: W. Lazone Grays <lazoneg@ibsa-inc.org>
Sent: Tuesday, October 3, 2023 3:31 PM
To: City Clerk
Cc: IBSA, Inc.; Lazoneg
Subject: Kansas 5-Year Digital Equity Strategic Plan is Open for Comment

This message originated from outside your organization

i This message needs your attention

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

Powered by Mimecast

Hello,

I would like to sign up to speak during public comment at tonight's city council meeting. Below is information I would like to share in advance with Mayor Padilla, City Council members and any other relevant city staff or administrators.

Thank you in advance.

Lazone Grays
Citizen of Topeka
(913) 240-6247

IBSA, Inc.
President/CEO
(913) 735-4272

###

Mayor of Topeka,
Topeka City Council Members

The time has come to lend our voice to the state 5-Year Digital Equity Strategic Plan...

"While the recently announced Broadband Equity Access and Deployment (BEAD) Five-Year Action Plan outlines the state's plan to provide access to high-speed internet, the Digital Equity Plan focuses on specifically connecting users"

Having served on the Kansas Office of Broadband Development Advisory Council, our task was to help in the preparation and development of a digital equity vision and strategy that can withstand the tests of time.

YOU can help us, your neighbors and many you don't know; simply by reviewing the plan and providing your honest thoughts and comments!

With well over \$20M at stake for Digital Equity alone in Kansas... we have a great chance and legitimate opportunity to accomplish things that future young people, adults and neighborhoods will be proud of...!

<https://www.kansascommerce.gov/kansas-office-of-broadband-digital-equity-act/>

View the Plan:

<https://www.kansascommerce.gov/officeofbroadbanddevelopment/broadband-equity-access-and-deployment/digital-equity-strategic-plan/>

2023 Kansas Digital Equity Strategic Plan (without appendices)

https://www.kansascommerce.gov/wp-content/uploads/2023/10/DE-Plan_Publication_Draft_FOR-PUBLIC-COMMENT_without-Appendices.pdf

2023 Kansas Digital Equity Strategic Plan (with appendices)

https://www.kansascommerce.gov/wp-content/uploads/2023/10/DE-Plan_Publication_Draft_FOR-PUBLIC-COMMENT_with-Appendices.pdf