

Governing Body Minutes – November 14, 2023

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, November 14, 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, Valdivia-Alcala, Emerson, Kell, and Duncan -5. Councilmember Ortiz and Dobler participated remotely -2. Mayor Padilla presided -1. Absent: Councilmembers Naeger and Hoferer -2.

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 November 14, 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 November 14, 2023, for attachment to the meeting minutes.

AFTER THE MEETING was called to order Father Matt Nagle, Mater Dei Catholic Parish, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Jennifer Hannon to the Topeka Planning Commission for a term ending November 14, 2026, was presented. (*Council District No. 9*)

BOARD APPOINTMENT recommending the appointment of Katy Nelson to the Topeka Planning Commission for a term ending November 14, 2026, was presented. (*Council District No. 9*)

BOARD APPOINTMENT recommending the reappointment of Cassandra Taylor to the Board of Building and Fire Appeals for a term ending December 31, 2025, was presented. (*Council District No. 9*)

BOARD APPOINTMENT recommending the appointment of Willie Brooks to the Topeka Planning Commission for a term ending November 14, 2026, was presented. (*Council District No. 6*)

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

A PRESENTATION on Ordinance No. 20453 concerning unlawful camping was provided by Richard Nienstedt, Interim City Manager. He referenced the November 17, 2023, effective date and requested to delay enforcement of the newly included areas due to the upcoming winter weather as well as the need to align resources as the City of Topeka Homeless Initiative remains underway.

Councilmember Duncan questioned if Staff has the authority to delay enforcement of the ordinance. He spoke to the importance of addressing safety concerns along the trails and questioned if Topeka police officers would have authority to remove unsheltered individuals from the trails without the ordinance being in effect.

Amanda Stanley, City Attorney, reported the Governing Body could take a formal vote to change the effective date; however, it was acceptable to direct Interim City Manager Nienstedt to do so. She confirmed Topeka police officers have the authority to remove a person trespassing.

Councilmember Valdivia-Alcala questioned if enforcement will continue on abandon structures. She spoke in support of delaying certain pieces of the ordinance until new council-elect members are seated. She stated she will remain firm on helping solve the issues happening

across the city with certain business owners. She spoke to the importance of business owners knowing the City will respond and help when needed and being deliberate about what will work as it relates to the reputation of the city.

City Attorney Stanley confirmed enforcement of abandon structures will continue.

Councilmember Hiller thanked Staff for their work on the many moving parts of the Homeless Initiative. She questioned how enforcement was being addressed as it relates to public safety issues in general such as trash, human waste etc. She referenced the efforts of the Homeless Innovation Task Force and noted, it will take approximately six more months before a final recommendation would be provided. She suggested the City delay enforcement until after the winter season while allowing time for the Task Force to finalize recommendations.

Interim City Manager Nienstedt confirmed the City was enforcing encampments that are not in compliance with City ordinances as it relates to general public safety issues.

Councilmember Valdivia-Alcala spoke in opposition of delaying enforcement for six months. She stated it has always been understood the two Homeless Initiatives would run parallel.

Councilmember Duncan expressed concern with potential liability as it relates selective enforcement issues and addressing safety concerns along the trails.

Councilmember Emerson thanked Staff for their efforts and spoke in support of a phased enforcement approach.

Councilmember Valdivia-Alcala spoke in support of a phase enforcement approach and noted, the six areas that will still allow camping as outlined in Ordinance No. 20453 needs to be reviewed and reconsidered.

Councilmember Dobler expressed the importance of addressing the homeless public safety issue; therefore, he would support delaying enforcement until January 2024 to allow Staff time to align necessary resources.

Councilmember Hiller stated they need to make it clear that the City does not want to take over the homeless problem but instead, seek solutions in collaboration with community partners.

Mayor Padilla expressed support of a phased enforcement approach. He clarified enforcement will continue as resources are aligned and when necessary to address public safety issues.

CONSENT AGENDA was presented as follows:

APPROVAL of Information Technology Consultant and Specialized Technical Support CONTRACT NO. 51657 between the City of Topeka and Revize, LLC in an amount not to exceed \$139,100 for consulting services, was presented.

MINUTES of the regular meeting of October 17, 2023, was presented.

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

APPROVAL of funding recommendations of the Alcohol and Drug Abuse Advisory Council in the amount of \$670,534 for the City of Topeka 2024 Special Alcohol and Drug Program Fund, was presented.

Richard U. Nienstedt, Interim City Manager, reported the City receives the liquor tax collected by the State of Kansas and the proceeds are allocated to the City of Topeka Special Alcohol and Drug Program Fund.

Cathy Walker, Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council Chair, provided an overview of the application process.

Councilmember Valdivia-Alcala inquired on the overall application process; the services being offered by the Shawnee County Drug Treatment Court compared to the City of Topeka Alternative Sentencing Court; and at what age level was the Prevention and Resiliency Services (PARS) Program providing intervention and how are they tracking service matrixes.

Cathy Walker reported program services differ in the aspect of one being offered at the county level and one being offered at the city level. She provided an overview of the services being offered by the Valeo Behavior Health Center for inpatient and outpatient drug and alcohol detox.

Mandy Czechanski, Prevention and Resiliency Services Executive Director, reported the majority of students served are in middle school and high school, and they also serve elementary students when appropriate. She stated they continue to educate schools on the rising number of students being effected by drug and alcohol addiction and are willing to serve all schools to address the tough topics. She reported it was challenging to track services due to strict State laws forbidding direct contact with students; however, they work to communicate along the way.

Councilmember Valdivia-Alcala referenced the important data that could be provided by the Shawnee County Health Department as it relates to lobbying at the State level for much needed health services. She spoke to the importance of formalizing a strategy regarding the dissemination of data to the Public Health and Safety Committee as well as all levels of government.

Councilmember Kell spoke in support of funding more youth programs for the purpose of providing drug and alcohol intervention as a youth before it becomes a problem as an adult.

Councilmember Duncan inquired on how funding amounts were determined and asked why only one applicant received a cut in funding. He suggested keeping program funding

allocations flat at the 2023 level generating a difference of \$80,000 that could have been apportioned to Family Service and Guidance Center while spreading the financial strain across all programs. He referenced the PARS Program funding request asking for an additional \$18,000; however, they received an approximate \$50,000 in funding cuts because of the application model that was used.

Carried Higgins, Housing Services Division Manager, reported applicants are required to submit a scoring sheet consisting of approximately 20 questions. The score number received is used in a preset funding formula to determine amounts.

Councilmember Duncan expressed his disappointment with the committee process.

Councilmember Emerson stated he concurs with Councilmember Duncan and feels disconcerted with the committee process.

Councilmember Emerson moved to defer the item until December 5, 2023. The motion was seconded by Councilmember Valdivia-Alcala.

Mandy Czechanski, PARS Topeka, expressed concern with the growing number of drug addictions seen in our youth and the significant funding cuts that have taken place to the PARS youth program. She highlighted the efforts they are taking for early intervention and her desire to be part of the solution.

Mayor Padilla thanked PARS for their work in the community and expressed concern with the process outweighing the needs of the people they serve.

The motion to defer the item until December 5, 2023 carried unanimously on roll call vote. (8-0-0)

DISCUSSION and Update on the Hotel Topeka at City Center, was presented.

Richard Nienstedt, Interim City Manager, reported the Topeka Development Corporation, LLC held a meeting prior to the November 14, 2023. Governing Body meeting where an update was provided on Hotel Topeka. He stated all TDC meeting information including the video and support documentation has been posted online at <https://topekadevelopmentcorporation.com/> to support transparency in the process.

DICUSSION concerning merchant or private security guard uniforms, was presented.

Richard Nienstedt, Interim City Manager, reported approval would allow Topeka Police officers employed by State agencies or a security agency stationed at a State agency to wear their Topeka Police issued uniforms.

Councilmember Duncan, Policy and Finance Committee Chair, reported the Committee approved the proposed ordinance by a vote of 3-0-0 on October 27, 2023. He stated the change only applies to State building and agencies and noted, all off-duty police officer work must be approved by the Chief of Police and the City Manager.

Councilmember Kell expressed concern with private agency uniform regulations.

DISCUSSION concerning Vacant Property Registration, was presented.

Councilmember Duncan, Policy and Finance Committee Chair, stated approval would remove the fee to register vacant properties; implement a requirement to register vacant properties free of charge; and impose a penalty for those who do not register vacant properties.

Councilmember Hiller referenced the current ordinance in place enforcing two types of mortgage foreclosure properties to include (1) properties being neglected through lending institutions; and (2) all other foreclosure properties located throughout the city. She stated it was her understanding the reason for the change was due to the fact the company hired in 2019 to provide the service was no longer in business.

Amanda Stanley, City Attorney, confirmed there were some issues with the company; however, the more broad issue relates to the fact courts in the State of Kansas do not recognize a right of preservation for mortgagees, therefore, in 2019 the City imposed requirements on lending institutes to secure the property and post notice – which was considered trespassing. She recognized the great community partners that were willing to work with the City as they considered ways on how to accomplish registration of vacant properties allowing lending institutions to comply. She noted the State of Kansas will not allow the elimination of the foreclosure period.

Councilmember Hiller referenced the Public, Health and Safety Committee as well as the Changing Our Culture of Property Maintenance Initiative. She reported the Property Maintenance Division was working with the Fire, Police and Water Departments to create a master property list that would not require registration and was more useful in regards to property ownership and status.

DISCUSSION regarding the 2024 City of Topeka Legislative Agenda, was presented.

Councilmember Duncan, Policy and Finance Committee Chair, highlighted proposed priorities concerning Finance & Taxation; Public Welfare; Community Development and support of the League of Kansas Municipalities 2024 Statement of Municipal Policy.

Councilmembers Hiller and Valdivia-Alcala thanked the Committee for their work on including Medicaid Expansion as a priority

DISCUSSION regarding the City of Topeka Downtown Parking Plan, was presented.

Braxton Copley, Public Works Director, reviewed proposed recommendations, implemented changes and pro forma financials.

Councilmember Emerson referenced testimony from business owners at a recent Public Infrastructure Committee meeting expressing support of delaying the implementation of paid parking on Kansas Avenue.

Director Copley stated he has a meeting scheduled with downtown business owners to determine a realistic timeline to establish a capital fund to pay for needed improvements.

Councilmember Dobler stated he was prepared to propose an amendment to delay paid parking on Kansas Avenue and the surrounding 100 blocks until 2025. He asked the amount of revenue that would be lost if paid parking on Kansas Avenue was delayed.

Jason Tryon, Public Works Deputy Director, reported on-street parking on Kansas Avenue generates approximately \$50,000 of revenue annually.

Councilmember Hiller spoke to the dynamics of a successful downtown parking system that accommodates downtown growth and pays for itself. She spoke to the importance of raising parking rates on Kansas Avenue in order to fill the parking garages by default.

Councilmember Dobler left the meeting.

PUBLIC COMMENT was provided by the following individuals:

Chris Blythe spoke in support of approving the proposed amendments to the vacant property registration procedure. He spoke to the importance of preserving every aspect of the Mount Auburn Cemetery and asked the City to support those efforts.

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

Brenda Younger, City Clerk, provided an overview of the November 21, 2023, Governing Body meeting agenda.

Councilmember Kell congratulated council-elect members David Banks and Marcus Miller. He asked citizens who are able to donate cold weather gear to those in need.

Councilmember Duncan thanked Staff for working to fix the Special Alcohol and Drug Program funding application process, and asked Staff to allocate the \$28,000 needed to fully fund the PARS Prevention Program. He announced the first meeting of the Land Bank Committee was held November 14, 2023, and there will be more meetings scheduled in the upcoming months. He thanked his constituents for allowing him to serve another 4-year term as their District 8 representative.

Councilmember Hiller congratulated Councilmembers Valdivia-Alcala and Duncan for being reelected to the City Council, and thanked Councilmembers Emerson and Naeger for their service. She commented on the many great events happening in the community. She expressed the importance of following the grant application process that has been established for the Special Alcohol and Drug Program funding.

Councilmember Valdivia-Alcala announced Curtis Pitts was hosting Teen Fun Nights at the Hillcrest Community Center, and the completion of the East Topeka North Neighborhood Improvement Association (NIA) Scott Dual Language Magnet Elementary School Neighborhood Stages of Resources Targeting (SORT) neighborhood improvement program.

Councilmember Emerson thanked Central Highland Park Neighborhood Improvement Association for inviting him to their Thanksgiving dinner. He thanked Braxton Copley, Public Works Director, for his work on the Hotel Topeka project.

Councilmember Ortiz commented on the positive effects the completion of the East Topeka North Neighborhood Improvement Association Scott Dual Language Magnet Elementary School SORT neighborhood improvement program would have on the community. She

announced the signup deadline for the community Thanksgiving Dinner was November 17, 2023. She offered her condolences to the Leola Wakes family and the Charles Banks family.

Councilmember Kell moved to recess into executive session not to exceed 45 minutes to discuss employment matters related to one or more employees, pursuant to KSA 75-4319(b)(1). The open meeting resumed in the City Council Chambers. The following staff may be needed to assist the Governing Body in its deliberations any staff determined helpful by the Governing Body. 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.” (6-1-0)

Following a 45-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 9:30 p.m.

(SEAL)

Brenda Younger City Clerk