

## **Governing Body Minutes – February 6, 2024**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, February 6, 2024. 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, Ortiz, Banks, Kell, Dobler, Duncan and Hoferer -7. Councilmembers Valdivia-Alcala participated remotely -1. Mayor Padilla presided -1. Absent: Councilmember Miller -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 February 6, 2024, 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 February 6, 2024, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Topeka Police Department Chaplain Randy Lesseski provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

A PRESENTATION on the Lead & Copper Rule Improvements Compliance (LCRI) was provided by Sylvia Davis, Director of Utilities.

Councilmember Duncan expressed concern with the Federal Mandate and the fact no funds have been allocated, no guidelines have been set, and no exceptions have been made to address the issue at the local level. He reported the League of Kansas Municipalities (LKM) is working with state delegates to request funding options. He encouraged citizens to contact their local state representatives to push for funding support at the State level.

Mayor Padilla commended Staff for their hard work in keeping clean drinking water available to citizens as well as the work that went into taking inventory of water line infrastructure.

AN UPDATE on the Shawnee County Emergency Operations Plan was provided by Dusty Nichols, Shawnee County Director of Emergency Operations. He reported the Shawnee County Emergency Operations Plan (EOP) will be on the February 20, 2024 Governing Body meeting agenda for consideration. He noted the routine cycle was altered due to the COVID-19 pandemic.

Councilmember Banks asked if the COVID-19 virus was still effecting Emergency Management operations.

Director Nichols reported the handling of the COVID-19 virus and its variants have been turned over to the Shawnee County Health Department.

Councilmember Valdivia-Alcala spoke to the importance of having a City of Topeka Emergency Management position.

CONSENT AGENDA was presented as follows:

APPROVAL of a Public Works Engineering Contract NO. 51903 between the City of Topeka and Cook, Flatt and Strobel Engineering, PA, in an amount not to exceed \$77,000 for engineering services, was presented.

MINUTES of the regular meeting of January 16, 2024; and the special meeting January 17, 2024, was presented.

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

ORDINANCE NO. 20478 introduced by Interim City Manager Richard U. Nienstedt concerning exterior property area maintenance provisions of the International Property

Maintenance Code, amending Sections 8.60.140, 8.60.070 and 8.60.080 of the Topeka Municipal Code and repealing original sections, was presented.

Richard U. Nienstedt, Interim City Manager, reported approval would initiate a minor amendment or new legal interpretation of the Code about vegetation more than twelve (12) inches in height.

Councilmember Hiller, Public Health and Safety Committee Chair, reported the amendment will require a 3-year community education campaign in conjunction with a major volunteer assistance campaign to bring the community back to the threshold standard.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Duncan carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Hiller, Valdivia-Alcala, Ortiz, Banks, Kell, Dobler, Duncan and Hoferer -8. *The Mayor does not vote. The ordinance involves a matter of home rule on which the Mayor has veto authority.*

ELECTION of one City Council voting representative to serve a three-year term on the Friends of Topeka Zoo (“FOTZ”) Board of Directors, was presented.

Mayor Padilla stated the FOTZ Board Bylaws and Zoo Master Lease Agreement allows for the selection of one City Council voting representative to serve a three-year term on the Friends of Topeka Zoo (“FOTZ”) Board of Directors.

Councilmember Duncan nominated Councilmember Hoferer.

Councilmember Hoferer accepted the nomination.

Councilmember Banks nominated Councilmember Kell.

Councilmember Kell accepted the nomination.

Upon hearing no more nominations, Mayor Padilla closed nominations.

Brenda Younger, City Clerk, announced the nominees include Councilmembers Hoferer and Kell.

After the roll call tally of votes, the City Clerk announced Councilmember Hoferer would serve as the City Council voting member on the FOTZ Board of Directors. Councilmember Hoferer received six (6) votes. Councilmember Kell received four (4) votes.

RESOLUTION NO. 9491 introduced by Interim City Manager Richard U. Nienstedt regarding additional funding for operations and maintenance of Hotel Topeka, was presented.

Braxton Copley, Public Works Director, reported on October 17, 2023, the Governing Body approved Resolution No. 9478 authorizing the expenditure of \$500,000 to operate and maintain Hotel Topeka. To date, the City has expended \$300,132 in operational transfers and \$117,065 in Capital Expenditure approved requests. The remaining authority balance is \$82,802. He stated a request for an additional \$277,355 of operational funding was received by the City, and if the resolution was approved, a portion of the additional \$500,000 tranche would be used to pay the requested funds.

Councilmember Dobler moved to approve the resolution. The motion seconded by Mayor Padilla carried on roll call vote. Councilmembers Valdivia-Alcala, Ortiz and Banks voted “no.” (6-3-0)

DISCUSSION concerning the relocation of the City's Light Duty Fleet Garage, was presented.

Braxton Copley, Public Works Director, reported all options have been considered including leasing vehicles, building a new facility and contracting with a third party. He spoke to the Light Duty Garage services that include fire and police vehicles as well as light duty cars and trucks operated by various departments. He stated the cost of ownership was driven by the

preventative and corrective maintenance costs required by older vehicles; the composition and unique nature of the fleet; and analysis of costs. He noted the internal cost for repair and maintenance would be less than outsourcing the service to a third party. He stated for these reasons, Staff recommends the City continue its current level of Light Duty Fleet services. Additionally, Staff recommends the City commit to relocate the Fleet Light Duty Garage as soon as possible to a new facility to avoid the reduction of service levels when the KDOT Polk Quincy Viaduct project requires closure and demolition of the garage in the first quarter of 2025. Further, Staff believes the best long-term financial decision for the City would be to invest \$5.5 million through a Capital Improvement Budget amendment for the design and construction of a new City Fleet Garage to provide light duty vehicle services.

Councilmember Dobler inquired on when 2025 Capital Improvement Projects (CIP) discussions would begin. He stated he believes there are some projects in the CIP that could be redirected and/or reconsidered to cover the cost while avoiding an increase to the CIP.

Director Copley reported discussions would begin in March.

Mayor Padilla asked if Staff would have enough time to build a new facility before the Kansas Department of Transportation (KDOT) Polk Quincy Viaduct project requirement deadline.

Director Copley reported it would be over a year before they could realistically build a new facility; therefore, a temporary facility would need to be secured.

Councilmember Kell supports keeping services in-house. He stated he believes the option being presented was the best plan of action.

Councilmember Duncan questioned the timeline being presented and stated he would not be rushed to make a decision that will have an effect on City operations for the next 30-50 years. He stated he supports keeping services in-house. He encouraged Staff to contact Topeka Metro

Transit Authority (TMTA) to determine if it would be feasible to build a dual facility as they are a City entity in need of a new service garage, a partnership that would free up River Front property and provide an opportunity to leverage federal dollars. He encouraged Staff to consider building a facility that could accommodate clean fuel energy use in the future. He spoke to the missed opportunity to demolish one of the many dilapidated buildings located around the city for the purpose of creating a buildable lot for the new facility. He spoke in opposition of constructing a new building in the City owned parking lot located at SE 8<sup>th</sup> Street and Madison, south of the Cyrus K. Holliday Building because it would prevent or hinder any future expansion of the Cyrus K. Holliday Building. He asked for the design plan regarding how a new facility would fit on the lot.

Jason Tryon, Deputy Director Public Works, reported they have not contacted TMTA.

Councilmember Hiller thanked Staff for working with KDOT to realize cost savings. She encouraged Staff to research grant opportunities and stated a structure of this type lends itself to solar panels on the roof. She stated it would appear there was consensus to build a new facility which provides some direction to Staff as well as considering what would be the most efficient design plan. She noted there have been conversations about removing City of Topeka as well as other shops from the River Front Area and if it makes sense, Staff could consider moving all the shops to one parcel of land and address all service needs. She reported there have been conversations between the City and TMTA in the past, and she believes it would be worth discussing again since the Downtown Dynamic Core Plan shows the TMTA new service garage located on 8<sup>th</sup> street making it centrally located.

Councilmember Hoferer spoke in support of a constructing a new facility; however, she would like Staff to consider how many service bays are actually needed and if a smaller facility

could be built in a shorter timeframe. She stated she also wants to ensure the parcel would be large enough to expand if needed to accommodate a possible partnership with TMTA and for the service of heavy equipment. She questioned how much equipment could be salvaged, and if the proposed \$5.5 million includes the cost of new equipment. She spoke to the importance of having a functional, up-to-date facility without overspending.

Mayor Padilla stated it appears there was support of constructing a new facility; however, more detail needs to be provided on the functionality and design of the new facility.

Councilmember Miller entered the room.

PUBLIC COMMENT was submitted by Patrick DeLapp and Henry McClure (Attachment A) and provided by the following individuals:

Henry McClure distributed a handout outlining a proposal for infrastructure development and policy revision for benefit districts. He suggested to allow a developer to build a new Fleet Service Garage and noted, the former Sears Roebuck Company building could be used or a new facility could be built on the former White Lake Mall property. He expressed the importance of the City and County changing the way economic development was engaged.

Lazone Grays distributed a handout outlining recommendations regarding the creation of a transitional and functional job program in partnership with Impact Avenue partners and stakeholders at Hotel Topeka.

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

Brenda Younger, City Clerk, provided an overview of the February 13, 2024 Governing Body meeting agenda.

Councilmember Dobler asked Amanda Stanley, City Attorney, if Topeka is or has been a

sanctuary city or if there is any action forthcoming to make Topeka a sanctuary city. He referenced upcoming CIP discussions concerning future infrastructure and encouraged the Governing Body to consider where much needed housing could be constructed.

Amanda Stanley, City Attorney, reported the city of Topeka was not a sanctuary city; there are no current laws in place; and no proposed legislation to do so has been presented.

Councilmember Duncan commended the many City employees dealing with the most recent emergencies including a water boil advisory and pot holes. He thanked Dan Warner, Planning Division Director, for testifying to the State legislators concerning zoning. He also added Topeka Day at the Capitol was held on February 6, 2024 located at the Kansas State Capitol.

Councilmember Hoferer announced a public information meeting for the NE River Road from Crane Street to Emmett Street overlay project would take place on February 7, 2024 at 5:30 at the Oakland Community Center located at 801 NE Poplar Street, Topeka. She encouraged citizens and businesses to remain informed on upcoming projects.

Councilmember Hiller thanked Sylvia Davis, Utilities Director, for her work in managing recent public health issues. She cautioned citizens against incorrect information that continues to be circulated on social media and encouraged citizens to contact City Staff or City Council representatives for clarification.

Councilmember Valdivia-Alcala encouraged citizens to attend the public information meeting for the mill and overlay project along NE River Road from Crane Street to Emmett Street on February 7, 2024 at 5:30 at the Oakland Community Center located at 801 NE Poplar Street, Topeka.

Councilmember Valdivia-Alcala left the meeting.

Councilmember Kell asked residents to refrain from deploying firearms or fireworks in



celebration of the upcoming Super Bowl on February 11, 2024.

Councilmember Miller encouraged citizens to reach out to City Staff and City Council representatives to receive the facts in regards to information being posted on social media outlets.

Mayor Padilla concurred with comments about factual information being communicated to the citizens and the importance it plays to the public.

Councilmember Miller moved to recess into executive session not to exceed 45 minutes 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: City Manager Nienstedt and any other staff 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 abstained. (8-0-1)

At the conclusion of the executive session, 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 8:45 p.m.

(SEAL)

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Brenda Younger City Clerk