Governing Body Minutes – October 12, 2021

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, October 12, 2021. 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, Padilla, Dobler, Duncan and Lesser - 6; and Councilmembers Emerson and Naeger participated remotely -2. Mayor De La Isla presided -1. Absent: Councilmember Ortiz -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 12, 2021, 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 12, 2021, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Rabbi Samuel Stern, Temple Beth Sholom, provided the invocation.

A PRESENTATION on the Public Works Department 3rd Quarter Report was presented by James Jackson, Public Works Director.

Councilmember Hiller requested an annual goal number for each area of improvements, such as pot holes, alleys, etc. to be included in the quarterly report. She commended Staff for installing 10-foot sidewalks as part of improvement project plans and asked if Staff plans to communicate with citizens as it relates to the treatment of streets during the life-cycle of an inclement weather event.

Councilmember Lesser requested an update on the micro-surfacing program implemented
three years ago.

Councilmember Duncan questioned if external utility companies have improved communications with the City as it relates to causing delays with City improvement projects.

Mayor De La Isla asked if utility improvements was included as a factor in the overall pavement condition score.

Councilmember Naeger asked if the new street treatment plan would be environmentally sound.

In response, James Jackson reported that key performance indicators will be forthcoming; a report outlining the overall Pavement Condition Index would be provided to the Governing Body which reflects how micro-surfacing contributes to overall street improvements. He stated a new electronic portal is in the process of being implemented which will simplify the permitting process for external utility customers; the improved treatment plan will be more environmentally friendly than previous treatment products; and the public notice communication plan for inclement weather events will be highlighted in the Winter Operations presentation in November.

A PRESENTATION on the Utilities Department 3rd Quarter Report was presented by Braxton Copley, Utilities Director.

Mayor De La Isla stated the presentation provides a good depiction of disadvantaged communities that could benefit from ARPA funds.

Councilmember Dobler thanked Staff for the presentations that provides information on how much the City has advanced with improvement projects and treatment of the streets.

CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of October 5, 2021, was presented.
APPROVAL of a Cereal Malt Beverage license for Dollar General Store #3085, located at 2042 SW Topeka Boulevard, was presented.

Councilmember Dobler moved to approve the consent agenda. The motion was seconded by Councilmember Padilla. Mayor De La Isla asked all those in favor of approving the consent agenda to indicate so verbally by saying “yea” and those opposing the resolution to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the motion carried unanimously on voice vote. (9-0-0)

ORDINANCE NO. 20321 introduced by City Manager Brent Trout amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code on property located at 1409 NW Topeka Boulevard from “R-2” Single Family Dwelling District to Planned Unit Development (“PUD”) / C-1 Commercial Uses plus Food and Beverage Kiosk with Drive-up and Walk-up Window Service on approximately 0.7 acres, was presented. (PUD 21/02) (Council District No. 2)

Bill Fiander, Planning and Development Director, reported the request would allow for development of a drive-up coffee shop and includes a walk-up window and outdoor seating, key elements to its consistency with the neighborhood plan, as they serve pedestrians and other neighborhood residents. He stated the applicant conducted an in-person neighborhood information meeting on August 25, 2021, with two neighborhood residents in attendance. He reported the applicant intends to incorporate the suggestions of residents in the site plan. He noted the Planning Commission recommended approval on September 20, 2021, and Staff recommends approval.

Councilmember Valdivia-Alcala moved to adopt the ordinance. The motion was seconded by Councilmember Lesser.
Mayor De La Isla stated prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and impartially consider the measure based only upon the evidence provided on the record. The record includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

No ex parte communication was declared by Governing Body members.

Mayor De La Isla asked all those in favor of adopting the ordinance to indicate so verbally by saying “yea” and those opposing the ordinance to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the ordinance was adopted unanimously on voice vote. (9-0-0)

The ordinance was adopted on voice vote as follows: Ayes: Hiller, Valdivia-Alcala, Emerson, Padilla, Naeger, Dobler, Duncan, Lesser and Mayor De La Isla -9.

ORDINANCE NO. 20322 introduced by City Manager Brent Trout amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at SE 10th St east of SE Wittenberg Rd from “R-1” Single Family Dwelling District TO “I-1” Light Industrial District, was presented. (Z21/07) (Council District No. 3)

Bill Fiander, Planning and Development Director, reported the request would allow construction and operation of a contractor office, shop, and equipment and materials storage yard, consistent with the Topeka Land Use and Growth Management Plan 2040. He stated the
applicant conducted a neighborhood information meeting remotely via Zoom on August 31, 2021, and only the applicant’s representative and City Planning Staff attended. He noted the Planning Commission recommended approval on September 20, 2021, and Staff recommends approval.

Mayor De La Isla stated prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and impartially consider the measure based only upon the evidence provided on the record. The record includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

No ex parte communication was declared by Governing Body members.

Councilmember Dobler moved to adopt the ordinance. The motion was seconded by Councilmember Padilla.

Mayor De La Isla asked all those in favor of adopting the ordinance to indicate so verbally by saying “yea” and those opposing the ordinance to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the ordinance was adopted unanimously on voice vote. (9-0-0)

The ordinance was adopted on voice vote as follows: Ayes: Hiller, Valdivia-Alcala, Emerson, Padilla, Naeger, Dobler, Duncan, Lesser and Mayor De La Isla -9.

RESOLUTION NO. 9268 introduced by City Manager Brent Trout, authorizing Improvement Project No. T-401103.00 that provides for sanitary sewer improvement for
Horseshoe Bend Subdivisions No. 6 and No. 7 as more specifically described herein, was presented.

Brent Trout, City Manager, reported the owner of the property located within proposed Horseshoe Bend Subdivisions No. 6 and No. 7, RT Builders, have petitioned the Governing Body to establish a benefit district pursuant to K.S.A. 12-6a04. He stated RT Builders owns 100% of the property within the proposed district, and the total cost is estimated at $782,500 which will serve 56 lots. He stated if the Governing Body establishes the district construction will commence and upon completion, special assessments covering the project cost will be imposed on the property owner(s) for a period of 20 years.

Councilmember Lesser moved to approve the resolution. The motion was seconded by Councilmember Emerson.

Mayor De La Isla asked all those in favor of approving the resolution to indicate so verbally by saying “yea” and those opposing the resolution to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the resolution was approved unanimously on voice vote. (9-0-0)

RESOLUTION NO. 9269 introduced by City Manager Brent Trout, authorizing Improvement Project No. T-601130.00 that provides for street improvements for Horseshoe Bend Subdivisions No. 6 and No. 7 as more specifically described herein, was presented.

Brent Trout, City Manager, reported the owner of the property located within proposed Horseshoe Bend Subdivisions No. 6 and No. 7, RT Builders, have petitioned the Governing Body to establish a benefit district pursuant to K.S.A. 12-6a01. He stated RT Builders owns 100% of the property within the proposed district and the total cost is estimated at $1,700,000 which will serve 59 lots. He stated if the Governing Body establishes the district
construction will commence and upon completion, special assessments covering the project cost will be imposed on the property owner(s) for a period of 20 years.

Councilmember Lesser moved to approve the resolution. The motion was seconded by Councilmember Padilla.

Mayor De La Isla asked all those in favor of approving the resolution to indicate so verbally by saying “yea” and those opposing the resolution to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the resolution was approved unanimously on voice vote. (9-0-0)

PUBLIC HEARING

To consider the adoption of a Neighborhood Revitalization Plan, pursuant to K.S.A. 12-17, 114 et. seq.

ORDINANCE NO. 20323 introduced by City Manager Brent Trout establishing a neighborhood revitalization area, adopting a neighborhood revitalization plan, and authorizing the city manager to execute an interlocal cooperation agreement with other municipalities pursuant to the Neighborhood Revitalization Act, K.S.A. 12-17,114 et seq., was presented. (Contract No.49856 – Interlocal Cooperation Agreement)

Brent Trout, City Manager, reported the current Neighborhood Revitalization Plan (NRP) is set to expire on December 31, 2021. He stated the NRP boundary is based on the recently updated 2020 Neighborhood Health Map. He stated future NRP renewals should occur every three years in sync with the update of the Health Map. He stated Staff met with all potential participating tax entities and each of the taxing entities will also have to approve the renewal of the current NRP program and sign a revised interlocal agreement.

Michael Bell, Tennessee Town Neighborhood Improvement Association President, asked the following questions regarding the NRP:
• How are NRP projections determined?
• How did the Highland Acres NIA and surrounding area improve health classifications?
• How are NRP tax rebates applied as it relates to qualified improvements (new construction versus rehabilitation and additions)?
• What occurs if the appraised values of properties adjacent to or near improved property increases?
• How is the NRP publicized?
• Is there any relief available for property owners regarding possible tax increases, specifically, property owners located in Low to Moderate Income (LMI) neighborhoods?

In response, Bill Fiander Planning and Development Director, provided the following information:

• The Health Map is updated every three years based on the five categories of single family home ownership which include: property values, single family housing tenure, crime, housing conditions and poverty. He stated using those categories, Staff measures for each census block group to determine the score for each group.
• The Highland Acres neighborhood health classification improved from Outpatient to Healthy and he would have to review which vital signs improved and what triggered the new classification.
• NRP rebates are triggered by the qualified improvement; however, qualified improvements that increase the assessed value of a home would not be calculated until the annual assessment is conducted by the County Appraiser. If a home market value increased without improvements, then that increase would be factored in the calculation for the rebate.

Councilmember Valdivia-Alcala inquired on the factors used to determine changes to the neighborhood Health Map, specifically changing from Intensive Care to Outpatient status. She stated she would like more information before voting on the item.

Bill Fiander stated the Health Map scores are largely based on residential indicators; however, commercial development has more of a direct impact on score improvement than if a new residential home is built.

Mayor De La Isla opened the public hearing and asked if there was anyone present who would like to speak to the matter. Upon no one else appearing, the public hearing was closed.
Councilmember Emerson asked how the Menninger Clock Tower Building became a part of the NRP and if it includes the surrounding 71 acres.

Bill Fiander reported State law allows preservation of aging buildings to be included in the NRP; however, it would not allow for the surrounding acreage to be incorporated.

Councilmember Hiller made the following comments related to consideration of future Neighborhood Revitalization Plans:

- She requested parallel measurements for success and improvement be developed for future plans.
- She stated the Tennessee Town Neighborhood in collaboration with the Topeka Housing Authority developed approximately 60 units of one story housing for seniors and those with disabilities; and a neighborhood church has built 11 townhomes for low income families causing an increase in new construction in the city for renters.
- She referenced neighborhood values, mixed income housing and providing safe and affordable housing for low-income people. She stated if more low-income people reside in the neighborhood, the lower the health score will be. She suggested those metrics be reviewed in the future in regards to health maps and review the investments in affordable housing.
- She suggested incentives for developers building utilizing in-fill lots.
- She referenced previous Governing Body discussions and believes there is discomfort with transferring money to the Housing Trust Fund; therefore, she would like to exclude the transfer of those funds at this time until fundraising efforts have occurred.

Councilmember Valdivia-Alcala cautioned the Governing Body against watering down systemic issues through the addition of certain factors to the Health Map. She stated affordable housing is needed, and historically the redlining of neighborhoods that has occurred for many years, are now considered At Risk Neighborhoods. She believes the health maps can help address the issues of disparity and move towards more equity if the history of redlining is not diminished.

Councilmember Naeger stated she concurs with Councilmember Hiller and wants to make sure the maps reflect the quality of persons and allow for more equitable standards of living.
Bill Fiander reported the Highland Acres Neighborhood health score improved because the crime decreased and there were no boarded houses and/or unsafe structures in 2020. He stated Health Map vital signs for a neighborhood that may have more multi-family housing is a factor Staff tries to balance in the vital signs categories.

Councilmember Hiller stated most of the homes in her neighborhood are single family homes with half being rentals.

Bill Fiander stated one of the measurements for a neighborhood are which single family homes are rentals, and which homes are owner occupied with the goal to have affordable housing not just in one neighborhood, but throughout the city.

Councilmember Lesser called the question.

Upon hearing no objections, Mayor De La Isla announced debate on the item was closed.

Councilmember Lesser moved to adopt the ordinance. The motion was seconded by Councilmember Dobler.

Mayor De La Isla asked all those in favor of approving the ordinance to indicate so verbally by saying “yea” and those opposing the ordinance to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the ordinance was adopted unanimously on voice vote. (9-0-0)

The ordinance was adopted on voice vote as follows: Ayes: Hiller, Valdivia-Alcala, Emerson, Naeger, Padilla, Dobler, Duncan, Lesser and Mayor De La Isla -9.

RESOLUTION NO. 9270 introduced by the members of the Public Infrastructure Committee comprised of Council Members Neil Dobler, Tony Emerson, and Mike Lesser recommending resumption of metered parking on certain downtown streets, was presented.
Councilmember Dobler, Public Infrastructure Committee Chair, reported since 2017, free parking has been allowed downtown in the 100 blocks of Kansas Avenue between 6th and 10th Streets. He stated as parking revenues continue to decline, and a deficit of $1.3 million is being forecasted for the 2022 Parking Operating Budget, the Public Infrastructure Committee voted to recommend the Governing Body consider a resolution that would resume charging for 2-hour meter parking spaces in the 100 blocks of Kansas Avenue between 6th and 10th Streets by vote of 3-0-0 on September 14, 2021.

Councilmember Dobler moved to approve the resolution. The motion was seconded by Councilmember Hiller.

Councilmember Lesser clarified that the Committee voted unanimously to have the Governing Body consider the resolution, not approve the resolution.

Councilmember Duncan inquired about the yellow bagged parking meters. He asked how many meters are being reinstated and will the City still issue courtesy tickets. He asked if Staff tracks how many courtesy tickets are being issued in comparison to the amount of revenue being lost from courtesy parking tickets.

Brent Trout, City Manager, stated the yellow bags will be removed from the parking meters and those parking meters being utilized would require payment; Staff will ensure all parking meters are working correctly; and Staff will continue to sell green parking meter bags for those that are completing construction in the area and are in need of a parking space.

Hannah Uhlrig, Deputy Director of Public Works, stated courtesy parking tickets are still given; however, there is now a better system in place to understand if the individual is an out of town visitor who is not familiar with the City’s parking rules or a repeat offender.
Councilmember Duncan suggested eliminating courtesy parking tickets and reducing parking rates from $8 to $6.

Brent Trout stated the rates will be discussed at the committee meeting on November 9, 2021 meeting.

Councilmember Padilla asked when yellow hoods will be removed from the parking meters and if Staff would consider implementing the policy at the end of the year.

Hannah Uhrlig stated the target start date is November 1, 2021. She reported Staff anticipates the need to replace some parking meter equipment due to some meters not being utilized for an extended period of time; however, this should not disrupt operations.

Councilmember Hiller commended Parking Staff for their work on the parking plan and updated equipment.

Councilmember Emerson asked if Staff should wait to implement the policy until the end of the year to avoid confusion during the holiday season.

Hannah Uhrlig stated Staff is confident in executing the process in the November time frame and downtown merchants’ support the plan being presented, as well as the two-hour free parking will remain in place on side streets.

Mayor De La Isla asked all those in favor of approving the resolution to indicate so verbally by saying “yea” and those opposing the resolution to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the resolution was approved on voice vote. Councilmembers Duncan and Lesser voted “no.” (7-2-0)

ESTABLISH a special meeting (work session) date of the Governing Body to discuss American Rescue Plan Act (ARPA) funding, was presented.
Brent Trout, City Manager, reported the item was added to the agenda at the request of Councilmember Lesser. He expressed Staff’s support of having additional time to discuss and assist the Governing Body with the ARPA funding discussions.

ShaMecha Simms referenced a recent Citizen Advisory Council meeting she attended where ARPA funds were discussed. She encouraged the Governing Body to slow down and take the time to have sufficient public input for more consideration and conversation regarding the ARPA funding.

Councilmembers Hiller, Dobler, Valdivia-Alcala and Emerson, spoke in support of more public input and transparency.

Councilmember Duncan clarified that they have time to have more conversations as funds do not have to be allocated until December 2024.

Councilmember Lesser thanked City Manager Brent Trout for creating a draft plan to consider and believes the ARPA funds should be treated in the same manner as the operating budget and Capital Improvement Plan. He stated he would support one or two additional work sessions in addition to the schedule already set for discussions and he wants to make sure the decision making process on the funds is inclusive.

Councilmember Valdivia-Alcala stated numerous social service organizations have inquired on the process to request ARPA funds.

Brent Trout stated the earliest meeting would be Nov 13, 2021, however, there will be upcoming discussions and presentations prior to that time.

Councilmember Lesser moved to direct the City Manager to establish a special meeting date to discuss ARPA funding. The motion was seconded by Councilmember Padilla.
Mayor De La Isla asked all those in favor of directing the City Manager to establish a special meeting date to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the motion to direct the City Manager to establish a special meeting date carried unanimously on voice vote. (9-0-0)

PUBLIC COMMENT was submitted via electronic mail by Teresa Miller and Joseph Ledbetter. (Attachment A) and provided by the following individual:

Joseph Ledbetter stated he appreciates the desire and need for the oversight of the ARPA funds and thanked the Governing Body for the Changing the Culture of Property Maintenance Public Input Meetings. He stated he believes the Governing Body should be involved in creating the Governing Body agendas. He inquired about how many miles of water line replacements will occur in conjunction with street projects.

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

Brenda Younger, City Clerk, provided an overview of the October 19, 2021, Governing Body meeting agenda.

Brent Trout, City Manager, stated the Polk/Quincy Viaduct partner agreement signing will occur on October 13, 2021 at 1:15 p.m. at the intersection of West 1st First Avenue and NW Van Buren Street.

Councilmember Padilla asked the Governing Body to consider an invitation to the Greater Topeka Partnership event on October 14, 2021 regarding Hispanic Heritage at Jayhawk Theatre. He recognized former Topeka Police officer Tony Patterson lost in line of duty on
October 12, 1995. He offered his condolences to the family of retired Topeka Police Officer Ken Gorman.

Councilmember Naeger reminded everyone to get their flu shots.

Councilmember Dobler stated the Topeka Public Works Department will be re-accredited through the American Public Works Association, and noted Topeka was the 29th city in the nation to reach this accreditation.

Councilmember Duncan stated the Joint Committee on State Building Construction, a panel of legislators who handle state facility development recommended the Docking Building be reduced to 3 floors or to rebuild it as an events center. He stated there were not many details in the proposal and there was no reference to historic preservation. He stated he would like to work with the State on protections for event spaces in downtown Topeka. He spoke in opposition of the proposal and hopes there will be future discussions by the Governing Body on this matter. He announced a 300 bicycle giveaway sponsored through a Topeka Community Foundation grant would be held at the Oakland Community Center on October 14, 2021 from 5:00 p.m.-7:00 p.m. and on October 16, 2021 from 10:00 a.m.-1:00 p.m.

Councilmember Lesser offered his condolences to the family of Ken Gorman, retired Topeka Police Officer.

Councilmember Hiller expressed her appreciation to Councilmember Duncan for communicating the information to the Governing Body regarding the Docking Building. She stated this issue is a prime example of why the Governing Body should consider the legislative agenda earlier in the year.

Councilmember Valdivia-Alcala stated the Housing and Racial Equity Series is now complete and there were good conversations that transpired from the meetings, and hopes to
bring topics forward to the Governing Body that were discussed at the meetings. She stated the people that attended the meetings want to see Topeka thrive, grow and celebrate the histories of all people that helped build the city.

Councilmember Dobler moved to recess into executive session for a period of 30 minutes to discuss an individual employee’s performance, as authorized KSA 75-4319(b)(1). To aid in the discussion, the following individuals were present: Members of the Governing Body, City Manager, Brent Trout; Human Resources Director, Jacque Russell and City Attorney, Amanda Stanley. No action was anticipated when the meeting resumed in open session. The motion was seconded by Councilmember Padilla.

Mayor De La Isla asked all those in favor of recessing into executive session to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the motion carried unanimously on voice vote. (9-0-0)

Following a 30-minute time period, the meeting reconvened into open session and Mayor De La Isla announced no action was taken during the executive session.

Councilmember Lesser moved to recess into executive session for a period of 20 minutes to continue discussion on an individual employee’s performance, as authorized KSA 75-4319(b)(1). To aid in the discussion, the following individuals were present: Members of the Governing Body, Human Resources Director, Jacque Russell and City Attorney, Amanda Stanley. No action was anticipated when the meeting resumed in open session. The motion was seconded by Councilmember Dobler.

Mayor De La Isla asked all those in favor of recessing into executive session to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” After the
voice vote occurred, Mayor De La Isla announced the motion carried unanimously on voice vote.

(9-0-0)

Following a 20-minute time period, the meeting reconvened into open session and Mayor De La Isla 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
Attachment A
Council Members:

Normally North Topeka West NIA will not allow zoning of any Residential Properties to be changed. This is in our Neighborhood Plan. Because of a problem in our NIA, the people of the North Topeka West NIA were not notified by our Officers that this meeting on zone changes for this property were to happen.

Because part of this property had already been a restaurant, the NIA always knew that some type of company would want to build there. So this time it was okay to let the R-1 or R-2 change to a PUD.

In the future, North Topeka West NIA people do not want any R-1 or R-2 properties zone changed. It's in the Neighborhood Plan.

Retired President,

Teresa Miller
I have reviewed, and find 'report' lacking in specifics, lengths of pipe replaced, timelines of all projects, cost estimates, Et Al.

Utilities:
Ref. Quarterly report. Please provide specifics, including when projects were started as well. Include the number of miles of water lines replaced. Include design timelines which should be pretty easy to do, and should have been included in such a "report". Thank you.

We are spending a budget of over $100 MILLION per year on this Department. That is about the size of the entire Shawnee County Budget. I want oversight of this Department at a MUCH higher level of scrutiny Board of Directors, Please. Thank you!

Joseph Ledbetter  JD, MPA