Governing Body Minutes – May 14, 2024

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, May 14, 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, Valdivia-Alcala, Ortiz, Banks, Kell, Miller, Dobler, and Hoferer -8. Councilmember Duncan 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 May 14, 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 on or before May 14, 2024, for attachment to the meeting minutes.

AFTER THE MEETING was called to order Reverend Shirley D. Heermance, St. Mark's African Methodist Episcopal Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of DeAna Morrison to the NOTO Business Improvement District Advisory Board to fill a term ending May 14, 2026, was presented. *(Council District No. 2)*

BOARD APPOINTMENT recommending the appointment of Jim Edwards to the City of Topeka Citizens Advisory Council for an expired term ending May 10, 2027, was presented**.** *(Council District No. 7)*

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

Richard U. Nienstedt, Interim City Manager, introduced Daniel Garrett, new City of Topeka Communications Division Director.

A PRESENTATION on the NOTO Business Improvement District 2025 Budget and Program of Services, was provided by Thomas Underwood, NOTO Arts and Entertainment District Executive Director.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9534 introduced by Councilmember Karen Hiller, approving a special event known as Tap That Brew Festival, was presented. *(Council District No. 1)*

RESOLUTION NO. 9535 introduced by Councilmember Karen Hiller granting The Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. *(Council District No. 1)*

RESOLUTION NO. 9536 introduced by Councilmember Valdivia-Alcala, approving a special event known as the Our Lady of Guadalupe 91st Annual Fiesta Mexicana, was presented. *(Council District No. 2)*

RESOLUTION NO. 9537 introduced by Councilmember Valdivia-Alcala, granting Our Lady of Guadalupe 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. 9538 introduced by Councilmember Valdivia-Alcala granting a waiver to the provisions of City of Topeka Code Section 10.60.120 relating to parking on unimproved surfaces for the Our Lady of Guadalupe 91st Annual Fiesta Mexicana, was presented. *(Council District No. 2)*

MINUTES of the regular meeting of May 7, 2024, was presented.

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

CONTRACT NO. 52105 an employment agreement between the City of Topeka and Dr. Robert M. Perez, Jr. to serve as City Manager, was presented.

Amanda Stanley, City Attorney, reported approval of the proposed employment agreement requires six votes of the Governing Body.

Councilmembers Hiller, Valdivia-Alcala and Kell, and Mayor Padilla spoke in support of the agreement as written and thanked Dr. Perez, Jr. for accepting the position. They expressed their appreciation to the community for engaging in the hiring process.

Councilmember Dobler thanked Strategic Government Resources for working on behalf of the City and helping the Governing Body secure a permanent city manager.

Dr. Robert M. Perez, Jr., thanked the Governing Body for providing him the opportunity to serve as the next city manager.

Councilmember Kell moved to approve the employment agreement. The motion seconded by Councilmember Miller carried unanimously on roll call vote. (10-0-0)

RESOLUTION NO. 9539 introduced by Interim City Manager Richard U. Nienstedt further amending Resolution of Advisability and Authorization No. 9279, as previously amended by Resolution No. 9330, which provides street improvements for Sherwood Park Subdivision No. 9 as more specifically described herein, was presented.

Braxton Copley, Public Works Director, reported the benefit district was established and a project budget of $888,000 via Resolution No. 9279 was approved in December 2021; and in June 2022, the Governing Body approved Resolution No. 9330 increasing the estimated or probable

cost of the project to $965,033; therefore, the petition and resolution are being revised one final time to reflect the final project costs of $1,028,889.34. He stated the project was constructed over two construction seasons, requiring two years of temporary notes instead of the routine one-year temporary note. He noted the project included design and construction services, asphalt pavement, curb and gutter, grading, curb inlets and storm sewer pipes.

Councilmember Duncan left the meeting.

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

ORDINANCE NO. 20488 introduced by Interim City Manager Richard U. Nienstedt, concerning retaliatory eviction, amending Sections 9.25.010 and 9.25.020 of the Topeka Municipal Code and repealing original sections, was presented. *(The Public Health and Safety Committee recommended approval by a vote of 4-0-0 on April 15, 2024.)*

Kelly Trussell, Chief of Prosecution, reported in July 2023, the Governing Body approved an Ordinance No. 20439 concerning retaliatory eviction, and the Public Health and Safety Committee approved the following language amendments to the ordinance on April 15, 2024:

> **Section 1: Policy** – Reverts back to original ordinance language to remove the mention of eviction a second time and keeps the language focused on retaliation and harassment as the key words.
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> **Section 2 (1)** – Reverts back to the original ordinance language. This change was made to clarify that retaliatory actions are not limited to filing a suit in court, and in fact the purpose of this Act was to prevent those formal actions from happening, allowing repairs to be completed and for people to stay in place as long as they are tenants in good standing.
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> **Section 2 (4)** – New language that addresses harassing entry, or repeated demands for entry for the tenant's dwelling unit by the landlord, wording drawn from and reference to Kansas Residential Landlord and Tenant Act language.

Councilmember Valdivia-Alcala thanked those who remain invested in improving the living situations of individuals and families dealing with retaliatory conditions. She spoke to the

aggressive education campaign that was about to be underway and encouraged citizens, City Staff and Governing Body members to become involved in the Changing Our Culture Of Property Maintenance efforts.

Patrick DeLapp spoke in opposition of the retaliatory eviction ordinance and the proposed language amendments. He stated he believes the process was not working.

Councilmember Hiller reported Housing and Credit Counseling, Inc., (HCCI) supports the language amendments. She spoke to the aggressive education campaign that was about to be underway and thanked Chief of Prosecution Trussell for her work on the proposal.

Councilmember Hiller moved to adopt the ordinance. The motion was seconded by Councilmember Valdivia-Alcala.

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

DISCUSSION concerning residency requirements for Trade Board membership was presented. *(The Policy and Finance Committee recommended approval on April 23, 2024.)*

Richard Faulkner, Development Services Division Director, reported the request was to modify Section 5.63.120 of the Topeka Municipal Code to allow people who live in the county and either work or own a business in the city to serve on City boards. He stated the current ordinance requires the individual to live in the city limits to serve on city boards. He noted there have had several candidates apply to sit on the trade boards; however, they were denied because they did not live in the city limits but did work or own a business in the city. He stated the ordinance would be considered for action on May 21, 2024.

Councilmember Hiller asked if consideration was given to combining the trade boards to

reduce board member vacancies.

Division Director Faulkner stated it was discussed; however, it would be difficult to find a person with the skill set to serve on a combined trade board.

PUBLIC COMMENT was provided by the following individuals:

Marc Price referenced the TopCity Marathon that took place on April 27, 2024, and provided an update on event statistics. He thanked City Staff members for their assistance in making the event a great success.

Climerteen Ceazer spoke in opposition of requiring residents to pay for the repair of sidewalks and questioned why tax dollars could not be used to pay for the expense.

Sandra Lassiter asked when the DREAMS grant funds would be distributed. She referenced the 100th anniversary of the Topeka Council of Colored Women's Club and stated the organization has been trying to resolve a waterline leak resulting in a large water bill. She referenced the "Readiness to Serve" charge for water meters and expressed concern with how this new City policy was effecting senior citizens.

Greg King stated he was a landlord and expressed concern with tenants having more rights than landlords. He stated the City of Topeka Property Maintenance Division removed materials from his property that he needs to perform his job duties which he believes was an unconstitutional act.

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

Brenda Younger, City Clerk, provided an overview of the May 21, 2024 Governing Body meeting Agenda.

Councilmember Hiller announced various events celebrating the 70th anniversary of the Brown v. Board of Education of Topeka, Kansas, the landmark civil rights Supreme Court case. She distributed posters regarding the City of Topeka Changing Our Culture of Property Maintenance and provided an update on the initiative, specifically the mowing program.

Councilmember Ortiz announced a public meeting would be held on May 15, 2024 at 5:30 p.m. at Grace United Methodist Church located at 2627 SW Western Avenue, Topeka, to discuss Topeka Boulevard street improvements from SW 21st Street to SW 29th Street.

Councilmember Kell thanked Richard U. Nienstedt, Interim City Manager, for his service to the City of Topeka.

Councilmember Miller announced the 40th anniversary of the Topeka Habitat for Humanity non-profit organization and highlighted their contribution to the community. He stated more information could be found online at https://www.topekahabitat.org/.

Councilmember Hoferer commented on the solar lights recently installed on 6th Street west of Fairlawn and noted, she would support installing more of these types of lights around the city. She thanked the Public Works and Utility Departments for hosting the 2024 Citizens Academy.

Following a 10-minute recess, Councilmember Ortiz moved to recess into executive session not to exceed 40 minutes to discuss matters deemed privileged under the Attorney-Client Privilege involving multiple litigation as allowed under KSA 75-4319(b)(2). The open meeting will resume in the city council chambers. The following staff will be necessary to assist the Governing Body in its deliberations, City Attorney Amanda Stanley, Chief of Litigation Nick Jefferson, and any other staff the Governing Body find

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.” (8-1-0)

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 was adjourned at 8:10 p.m.

(SEAL)

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Brenda Younger City Clerk