

Governing Body Minutes – July 23, 2019

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, July 23, 2019. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Hiller, Clear, Ortiz, Padilla, Jensen, Mays, Coen and Lesser -8. Mayor De La Isla presided -1. Absent: Councilmember Emerson -1.

AFTER THE MEETING was called to order, Reverend Hollie Tapley, Great Plains United Methodist Conference of Kansas and Nebraska, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

INTRODUCTION of the AmeriCorps NCCC Team members was presented by Mayor De La Isla; Program Director of AmeriCorps NCCC Sarah Like; and City of Topeka Community Engagement Division Director Monique Glaude.

A PRESENTATION on the Neighborhood Watch was presented by Gretchen Koenen, Topeka Police Department Public Relations Specialist.

Brenda Younger, City Clerk, requested to withdraw agenda item 4A, a resolution approving the Downtown Fight Festival Special Event from the consent agenda.

Upon hearing no objections, Mayor De La Isla announced the resolution would be removed from the agenda.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9127 introduced by Councilmember Karen Hiller, approving a special event known as the 2019 Downtown Adventure Race Topeka was presented.

RESOLUTION NO. 9128 introduced by Councilmember Karen Hiller, granting Let's Help an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9129 introduced by Councilmember Sandra Clear, granting Joe Weir an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9130 introduced by City Manager Brent Trout, granting various neighborhood organizations exceptions to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9131 introduced by Councilmember Michael Padilla, granting Gilbert Palos an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

ORDINANCE NO. 20192 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of June 1, 2019, through June 28, 2019, and enumerating said expenditures therein was presented.

MINUTES of the regular meeting of July 9, 2019, were presented.

APPROVAL of an Open After Midnight License application for Johnny's Tavern located at 2821 SW Fairlawn Road, was presented.

Councilmember Lesser moved to approve the consent agenda as amended. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

PUBLIC HEARING NOTICE

PUBLIC HEARING on the advisability of adopting a Project Plan for the Sherwood Crossing TIF District.

ORDINANCE NO. 20193 introduced by City Manager Brent Trout, adopting a Redevelopment Project Plan for the Sherwood Crossing Redevelopment District pursuant to K.S.A. 12-1770 et seq., as amended was presented. (*Contract No. 47958*)

Doug Gerber, Deputy City Manager, reported the public hearing and approval of the ordinance was the last step in the process for the redevelopment of the former Villa West Shopping Center located at SW 29th Street and SW Wanamaker Road.

Mayor De La Isla opened the public hearing and asked if there was anyone present who would like to speak to the matter.

David Christie and Ferd Neimann, 29th Street Partners, L.L.C., thanked the Governing Body for their support throughout the process and stated they look forward to moving ahead with the project.

Upon hearing no further comment, Mayor De La Isla announced the public hearing was closed.

Councilmember Coen moved to adopt the ordinance. The motion seconded by Councilmember Lesser carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -9. Absent: Emerson -1.

ORDINANCE NO. 20194 introduced by City Manager Brent Trout, concerning affordable housing and the Topeka Housing Trust Fund, amending City of Topeka Code Sections 2.105.010 and 2.105.070 and repealing original sections was presented.

Brent Trout, City Manager, reported approval would adopt amendments to the Topeka Housing Trust Fund which would establish a formal process for allocating funding for housing projects in the event funding was provided through donations or other revenue sources.

Joyce Revely, JUMP member, spoke on behalf of co-member Ann Gilliland. She expressed concern with the need for affordable housing options that would not encompass low-income housing programs. She asked the Governing Body to support the proposed ordinance.

Wendy Wells, US Bank, spoke in support of the Topeka Housing Trust Fund and expressed the importance of housing for all levels of income in order to plan for the future of the city.

Councilmember Hiller stated she has worked with JUMP members to draft final language of the proposed ordinance and noted it would encompass very low-income individuals as requested by JUMP representatives.

Councilmember Hiller moved to adopt the ordinance. The motion was seconded by Councilmember Jensen.

Councilmember Hiller moved to amend lines 237-239 of the ordinance to read “The City Manager shall review the recommendation and may return it to the Committee for further review. At such time as the City Manager feels the proposal is ready for action, the City Manager shall forward the proposal to the Governing Body with a recommendation. The decision of the Governing Body shall be final.” The motion was seconded by Councilmember Lesser.

Councilmember Clear asked why the amendment was being proposed.

Councilmember Hiller stated she has proposed the amendment to ensure the Governing Body remains informed on Housing Trust Fund requests as well as it supports transparency in the process.

Councilmember Jensen suggested all future requests of the Housing Trust Fund be placed on the consent agenda to streamline the Governing Body approval process and support transparency in government.

Councilmember Hiller stated she does not believe specific language regarding the placement of requests on the consent agenda should be included in the language amendment; however, it could be handled as a directive by the Governing Body to the City Manager.

Brent Trout reported he supports the ordinance as proposed by staff allowing a nine-person committee to approve allocations and if there was a need to bring a request back to the Governing Body he would do so. However, if it was the will of the Governing Body he would support placing Housing Trust Fund requests on the consent agenda for consideration by the Governing Body.

Councilmember Ortiz stated she believes it was the duty of the Governing Body to help grow the Housing Trust Fund; therefore, she would support placing all Housing Trust Fund requests on the consent agenda in order to keep the Governing Body informed while promoting transparency in government.

The motion to amend lines 237-239 of the ordinance to read “The City Manager shall review the recommendation and may return it to the Committee for further review. At such time as the City Manager feels the proposal is ready for action, the City Manager shall forward the proposal to the Governing Body with a recommendation. The decision of the Governing Body shall be final.” carried. Councilmember Coen voted “no.” (8-1-0)

The motion to adopt the ordinance as amended carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -9. Absent: Emerson -1.

ORDINANCE NO. 20195 introduced by City Manager Brent Trout, concerning adoption of the 2015 Uniform Mechanical Code and local amendments, amending City of Topeka Code Sections 14.50.010 and 14.50.020 and creating Sections 14.50.115, 14.50.215, 14.50.255 and 14.50.285 was presented.

Brent Trout, City Manager, reported approval would update current City Code from 2006 to 2015 to maintain safe and healthy installations.

Councilmember Clear moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -9. Absent: Emerson -1.

ORDINANCE NO. 20196 introduced by City Manager Brent Trout, concerning backflow prevention and cross connection control, amending City of Topeka Code Sections 5.63.080, 14.35.490, 14.35.510 through 14.35.550, 14.35.570 and 14.35.580 and repealing original sections was presented.

Brent Trout, City Manager, reported approval supports current organizational structure of consolidating inspection services for water backflow within Development Services and allows the City Manager to establish fees in support of the backflow inspection program.

Councilmember Clear moved to adopt the ordinance. The motion seconded by Councilmember Hiller carried. Councilmember Lesser was out of the room. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Padilla, Jensen, Mays, Coen and Mayor De La Isla -8. Absent: Emerson and Lesser -2.

Councilmember Lesser entered the room.

APPROVAL of the 2020 Social Services Grant allocation recommendations in the amount of \$434,904 was presented.

Councilmember Coen, Social Service Grants Committee Chair, reported Committee Recommendations were referred back to the Social Services Grant Committee from the Governing Body meeting of July 2, 2019, and the Committee met on July 16, 2019, and chose not to take any new action.

Councilmember Padilla expressed the importance of providing for agencies that offer assistance to senior citizens in the community. He thanked the Committee and staff for their work on the process.

Councilmember Padilla moved to request the City Manager review funding levels at the conclusion of 2019 and during 2020, to determine if sufficient resources are available to fund the four social service agencies that were unable to secure grants through the Social Services Grant Committee process in an amount not to exceed \$40,000 and, if so, to include this funding as part of the year-end budget ordinance. The four agencies are (1) LULAC Senior Center (2) Papan's Landing Senior Center (3) East Topeka Senior Center and (4) Community Action Latino Family Development Program and each would receive an amount not to exceed \$10,000 – if such funding can be secured. The motion was seconded by Councilmember Clear.

Frances Deters asked the Governing Body to provide funding resources for area senior centers.

Michelle Cuevas-Stubblefield asked the Governing Body to provide funding support for the senior centers. She expressed concern with the grant application process and requested that it is reviewed.

Clark Trammell spoke in support of providing funding to senior centers and expressed the importance of the services they provide.

Councilmember Coen questioned why all six agencies that were denied funding were not included in the amendment. He expressed the importance of following the process and believes if the Governing Body changes the rules then all agencies that apply should receive a portion of funding.

Councilmember Padilla spoke in support of performance measures and accountability; however, he questioned the required information on the application and noted the four agencies included in the amendment have always received grant funding on an annual basis.

Councilmember Coen suggested if the application process was not going to be enforced, the Governing Body should consider allowing the four agencies included in the amendment to fall under a grandfather clause based on the fact they have always received funding and it would exempt them from application requirements.

Mayor De La Isla stated she concurs with Councilmember Coen. She recognized the important role senior agencies and programs play in the community; however, prior to receiving grant funding allocations, performance measures need to be in place and based on the ability of an agency to provide necessary services needed in the community.

Councilmember Jensen expressed concern with not following the process and the precedence the Governing Body would be setting for the future. He suggested the Social Services grant application allocation process be handled through the City's Request For Proposal procedure allowing an outside contractor to provide long-term service contracts and eliminating the current annual grant approval process.

Councilmember Mays stated he concurs with many of the comments made by Governing Body members and recognizes the need to review the process in detail and make a determination based on what best fits the community.

Councilmember Clear stated she would abstain from voting because she serves as a member of The Sole Reason program. She noted she concurs with Councilmember Coen and believes all six agencies that were denied funding should be included in the request made by Councilmember Padilla.

Councilmember Ortiz asked how the request would be funded and what would happen if there was not enough funds available.

Brent Trout, City Manager, stated during his review of funding levels through 2019 and into 2020, he would determine if funding levels are sufficient and, if so, he would inform the Governing Body on how the \$40,000 will be funded. He cautioned that there was no guarantee of securing funding with the anticipated \$900,000 deficit in 2019; however, he will make every effort to fund each agency equally and fairly.

Councilmember Hiller questioned if it was Councilmember Padilla's intent to increase the total allocation by \$40,000 each year as the Committee has the ability to manage the grant threshold.

Councilmember Lesser spoke in support of the amendment; however, he questioned if the proposal would be better served as a budget amendment for a one-time allocation to avoid discrediting the Committee's recommendations and grant application process.

Councilmember Padilla stated it was not his intent to increase the annual allocation total or discredit the application process.

Councilmember Mays suggested a friendly amendment to include the word "equal" in the sentence "The four agencies are (1) LULAC Senior Center; (2) Papan's Landing Senior Center; (3) East Topeka Senior Center and; (4) Community Action Latino Family Development Program and each would receive an **equal** amount not to exceed \$10,000 – if such funding can be secured."

Councilmember Padilla accepted the friendly amendment. The second concurred.

Councilmember Hiller stated she believes the process has been working in regards to attracting the type of agencies that support their priorities. She suggested increasing the grant

threshold so agencies will not be in limbo until the end of the year making a firm commitment to all agencies that scored 88 and above.

Mayor De La Isla expressed concern with the process becoming political, honoring the Committee's work, and considering the recommendations to determine grant allocations.

Councilmember Mays called the question.

The motion to request the City Manager review funding levels at the conclusion of 2019 and during 2020, to determine if sufficient resources are available to fund the four social service agencies that were unable to secure grants through the Social Services Grant Committee process in an amount not to exceed \$40,000 and, if so, to include this funding as part of the year-end budget ordinance. The four agencies are (1) LULAC Senior Center; (2) Papan's Landing Senior Center; (3) East Topeka Senior Center and; (4) Community Action Latino Family Development Program and each would receive an equal amount not to exceed \$10,000 – if such funding can be secured carried. Councilmembers Hiller and Coen voted “no.” (7-2-0)

Councilmember Coen moved to approve the 2020 Social Services Grant allocations in the amount of \$434,904. The motion seconded by Councilmember Padilla carried. Councilmember Clear abstained. (8-0-1)

DISCUSSION of, and possible ACTION on, the 2020 Proposed City of Topeka Operating Budget was presented.

Brent Trout, City Manager, provided opening statements. He reported a mill levy increase was not being requested; however, he anticipates an increase will be needed next year. He requested the Governing Body allow staff to fund the proposed 3% salary increase for management (non-union employees) through cost savings in the current budget through the end

of the year as well as the \$40,000 for Social Service grants. He provided an overview of service statistics for City Departments and programs.

Michaela Saunders expressed the importance of strong public transportation. She requested City staff and Governing Body members communicate to the public what they believe are TMTA essential services. She thanked all Governing Body members for being invested in the process and having open communications with TMTA.

Brian Jacques spoke in support of TMTA services and the importance of promoting quality of life and culture that promotes outdoor activities and events geared towards young adults and professionals.

Dick Ketterman spoke in support of outdoor recreation; however, the money saved by eliminating the TMTA Bike Program would provide needed funding for bus maintenance and TMTA essential services.

Governing Body members expressed concern with the misinformation that was distributed to citizens relating to the City's responsibility in decisions made by TMTA to cut certain services. They highlighted some of the challenges faced by TMTA and the efforts being made to keep bus services operating at the current level.

Councilmember Clear moved to increase the mill levy by one-half. The motion seconded by Councilmember Jensen failed. Councilmembers Hiller, Ortiz, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla voted "no." (1-8-0)

Councilmember Hiller expressed her appreciation to the City Manager and staff for answering questions and providing the Governing Body with detailed budget information.

Mayor De La Isla thanked staff for presenting a budget with no mill levy increase as requested by the Governing Body; however, she anticipates a mill levy increase in the near future

in order to fund essential services. She recapped the intent of the Governing Body to allow the City Manager to find savings within the current budget to fund a 3% wage increase for management (non-union employees) as well as the \$40,000 for Social Service grant allocations.

ESTABLISHING a public hearing date of August 13, 2019, for the purpose of hearing and answering objections of taxpayers relating to the proposed City of Topeka 2020 Operating Budget; setting the maximum expenditure limits; and authorize publication of the public hearing notice was presented.

Councilmember Hiller moved to establish the public hearing date of August 13, 2019. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

UPDATE on staff action regarding the Governing Body Goals and Priorities was presented.

Brent Trout, City Manager, stated the document provided in the Governing Body meeting packet includes an update on the second quarter activities related to the Governing Body's 2018-2019 Strategic Goals and Priorities established in April 2018. He asked the Governing Body to provide him feedback as they move through the year.

Mayor De La Isla thanked the City Manager for providing an update on the priorities established by the Governing Body.

Councilmember Jensen encouraged the public to provide feedback on their goals and priorities.

DISCUSSION and overview of the City of Topeka 2020 Consolidated Annual Action Plan was presented.

Sasha Haehn, Neighborhood Relations Department Director, reported the 2020 Consolidated Annual Action Plan includes program plans for approximately \$6.6 million in HUD grant funding, the General Fund as well as Capital Improvement Budget (CIB) funds. She stated the

City's combined 2018 and 2019 funding announcements from HUD include the following increased funds and would be utilized to provide additional services and projects within the community:

- An increase of \$211,103 in CDBG funds
- An increase of \$112,356 in HOME Investment Partnership funds
- An increase of \$232,497 in Continuum of Care/Shelter Plus Care funds
- An increase of \$5,576 in Emergency Services grants

Councilmember Hiller referenced the Federal Home Loan Bank (FHL) funds in the amount of \$750,000 and questioned if there was a possibility of receiving more funding in the future. She inquired about increasing the services being provided to neighborhood associations.

Sasha Haehn reported staff has received over 30 applications for the FHL Bank funds and are on target to commit the funds prior to the end of this year. She noted she would provide an update on the overall process to the Governing Body and staff continues to seek additional funding from FHL Bank. She provided a brief overview of the additional services being provided to neighborhood associations.

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

Brent Trout, City Manager, announced the Topeka Zoo Shark Exhibit would open on July 26, 2019.

Mayor De La Isla thanked City staff for providing detailed information and working with the Governing Body on drafting the 2020 Operating Budget. She stated the mill levy has not been increased in six years and they have a responsibility to provide essential City services; therefore, they will need to discuss a possible mill levy increase next year. She spoke in support of TMTA services and encouraged TMTA representatives to work in partnership with the City and have

productive communication. She commented on the TopCity Youth Council and the tough issues being discussed such as gun violence and mental health.

Councilmember Padilla thanked the Governing Body and City staff for their comments and professionalism during the Governing Body meeting.

Councilmember Hiller commented on the many exhibits at the Topeka Zoo and encouraged everyone to visit. She reported she attended the discussion concerning the Topeka Riverfront development on July 15, 2019, and highlighted some of the challenges discussed. She commented on efforts being made towards the advancement of the Polk Quincy Viaduct plan and improvements.

Councilmember Clear announced the 2019 Fiesta Mexicana was a great event and well attended by the community.

Councilmember Ortiz stated the 2019 Fiesta Mexicana on July 16-20, 2019, was a great event and commended the hard working people that made it a successful event.

Ronnie Jo Longren, Dick Ketterman and Clark Trammell appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:33 p.m.

(SEAL)

Brenda Younger
City Clerk