

Governing Body Minutes – February 18, 2020

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, February 18, 2020. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Hiller, Valdivia-Alcala, Ortiz, Emerson, Padilla, Naeger, Dobler, Duncan and Lesser -9. Mayor De La Isla presided -1.

AFTER THE MEETING was called to order, Pastor Jeff Clinger, Topeka Fire Department Champlain, provided the invocation.

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

APPOINTMENTS were presented as follows:

BOARD APPOINTMENT recommending the reappointment of Cynthia Hopp to the Topeka Human Relations Commission to fill an expired term ending March 20, 2022, was presented. (*Council District No. 8*)

BOARD APPOINTMENT recommending the reappointment of Luis Estrada to the Topeka Human Relations Commission to fill an expired term ending February 28, 2022, was presented. (*Council District No. 4*)

BOARD APPOINTMENT recommending the reappointment of Deborah Swank to the Topeka Sustainability Advisory Board for a term ending February 28, 2022, was presented. (*Council District No. 6*)

Councilmember Emerson moved to approve the consent agenda as amended. The motion seconded by Councilmember Naeger carried unanimously. Mayor does not vote. (9-0-0)

THE CONSENT AGENDA was presented as follows:

APPROVAL OF MINUTES of the regular meeting of February 11, 2020, was presented.

Councilmember Dobler moved to approve the consent agenda as amended. The motion seconded by Councilmember Ortiz carried unanimously. (10-0-0)

DISCUSSION of the proposed 2021-2030 Capital Improvement Plan and 2021-2023 Capital Improvement Budget was presented.

Brent Trout, City Manager, reported questions submitted at the February 1, 2020, Workshop and subsequent questions since that time will be discussed.

Nick Hawkins, Administrative and Financial Services Deputy Director, distributed Supplement No. 2, answers to CIP questions dated February 16, 2020. He provided an overview of Supplement No. 1, answers to CIP questions from the February 1, 2020, Governing Body Workshop as well as any subsequent questions since that time. He noted the proposed CIP adoption date will be April 7, 2020; however, additional discussions will be scheduled if needed. He highlighted information in Appendix A, relating to the Polk-Quincy Project and Appendix B, relating to KDOT District 1 Local Consult Projects.

Brent Trout reported staff will move forward with the Polk-Quincy Project with a measured approach. He expressed the importance of the City showing commitment to the project by securing the necessary steps to make certain the City will be ready for this type of development in a manner that would not over extend the City.

Councilmember Valdivia-Alcala referenced the map in Appendix A outlining the Polk-Quincy potential Right-Of-Way (ROW) Impact Zone and requested an itemized list of businesses that will be effected by the project.

Councilmember Dobler requested staff provide a copy of the document generated by the Kansas Department of Transportation (KDOT) displaying the buildings that will be impacted.

Councilmember Hiller questioned why the acquisition of right-of-way has been presented as a priority as opposed to other project related expenses that will be the responsibility of the City. She expressed the importance of identifying those project related expenses so the Governing Body has a comprehensive understanding of the City's true financial responsibility as they move forward with the project. She questioned if it was premature to apply for grant funding at this time and requested an affirmative confirmation from staff that they are working to accommodate the desire of KDOT to scale back the project for the purpose of reducing costs.

Councilmember Dobler stated it was his understanding KDOT was primarily looking for a commitment that could include any type of funding opportunity such as cash, grant funding or a reduction in the project cost. He expressed the importance of the City sending a clear message to KDOT that they are willing to commit to a certain percentage of funds for the project and noted a portion of the City's funding requirement could be covered by INFRA Federal Grant and BUILD Transportation Grant funding.

Jason Peek, Public Works Director, stated staff was seeking affirmation of a funding commitment to the project by the Governing Body and noted the City could be incremental in how expenses are incurred. He stated City staff continues to discuss ways to reduce the project scope and remains open to the various approaches mentioned by the Governing Body in order to solidify a funding commitment to present to KDOT. He referenced the \$17 million dedicated to the expense of acquiring right-of-way in the first phase of the project, and noted staff based the City's model on similar models used in other large cities.

Councilmember Hiller expressed her appreciation to staff for separating the funding categories of the Polk-Quincy Project and the General Obligation Bond projects outlined in the CIP. She stated the separation of funding allows the Governing Body to commit to the project as

required by KDOT; however, it also clarifies the intent of the Governing Body to optimize the funding source.

Brent Trout expressed importance of considering timelines associated with the use of grant funding in order to coordinate the different funding sources. He reported the funding categories were separated with the intent to cash flow the project within the debt service fund. He stated locally the City will continue to do the other things necessary to prepare for the project while considering the funding requirements of KDOT.

Councilmember Duncan stated it seems to be general consensus that the project needs to occur; however, project costs will only increase with time. He reported the Secretary of Transportation has made it clear project funding requirements are expected to be 6% over the next 2 years, and percentage increment requirements will increase every couple years with an end goal of establishing a project threshold closer to 20%.

Councilmember Dobler stated he concurs with Councilmember Duncan. He reported precedent was set by the Oakland Expressway and I-470/I-70 connection; both projects resulted in a 9% contribution of local funding. He noted the City paid for the design of the project and part of the right-of-way acquisition expenses before KDOT would agree to move forward with the I-470/I-70 connection project.

Councilmember Duncan referenced the Transportation Operations Fleet Replacement Program. He requested the comprehensive overview of a financial model for the leasing of City vehicles include a detailed component outlining the equipment that could be leased and associated upfront costs.

Jessica Lamondola, Administrative and Financial Services Director, reported staff was currently working with the City's financial advisor to create a comprehensive leasing model that

meets the needs of the City. She stated when it was completed she would present it to the Governing Body for consideration.

Councilmember Hiller referenced Information Technology projects. She asked if the option to pay for pet licenses, code fees and municipal court fines would be included in the deployment of the single payment platform of online payments as well as the Interactive Voice System (IVR).

Nick Hawkins stated staff will confirm what types of payments will be available through the online payment options as well as the IVR and provide a list to the Governing Body.

Mayor De La Isla left the meeting.

Councilmember Ortiz referenced Citywide Half-Cent Sales Tax projects. She expressed concern with the heavy traffic flow near the intersection of SE 25th Street and California Avenue, and questioned how staff determines the need for medians.

Jason Peek reported in general, medians serve many different functions including channelizing or restricting turning movements. He stated over time, properties develop and access restriction can be accomplished through the plating process eliminating turns and the need for medians. He noted intersections are considered on a case-by-case basis.

Councilmember Valdivia-Alcala referenced Appendix I, the Raised Median Draft Inventory. She asked how replacement of medians will be prioritized in 2020, and requested the median located near the Sardou Bridge and River Road be placed on the inventory list due to its poor condition.

Jason Peek reported staff was in the process of prioritizing the list and anticipates starting in 2023; however, the City Manager has requested funds be included in the CIP to expedite replacement of medians in the poorest condition.

Councilmember Hiller encouraged staff to construct medians that are aesthetically pleasing and avoid using crack and seal processes to repair medians and plain concrete for the replacement of medians. She questioned if the replacement of medians are considered in conjunction with street projects, specifically the 12th Street project.

Jason Peek stated the median program will only include those medians that are not part of a specific street project.

Councilmember Lesser referenced Appendix F, relating to the N. Kansas Avenue from NE Morse Street to NE Soldier Creek Improvement Project No. T-841017.85 and inquired on the status of the project.

Councilmember Hiller asked if sidewalks were included in the project.

Councilmember Valdivia-Alcala asked if public meetings would be conducted to inform residents of the project.

Brain Faust, City Engineer, reported the project was slated to begin construction in 2020; sidewalks would be included; and a public meeting would be conducted prior to construction.

Nick Hawkins continued discussion on the overview of Supplement No. 2, answers to CIP questions dated February 16, 2020. He reported the questions relate to the General Obligation (GO) Bond Cap; CIP years 2026–2030 project subtotals; financing of Zoo projects; status of City Hall renovations and Facility Projects update.

Councilmember Dobler inquired on the City's debt service ratio percentage and if the City was below the maximum percentage.

Nick Hawkins stated he would provide statistical data regarding percentages to the Governing Body.

Brent Trout reported the City's current debt service ratio was below the maximum creating the opportunity to budget for the Polk-Quincy Project at the proposed funding level.

Councilmember Hiller advocated to keep the GO Bond Cap at \$27 million, the same as it had been in prior years, with the idea of borrowing less to make funding available to relieve the operating budget, pay cash for other items or to reduce taxes.

Brent Trout encouraged Governing Body members to notify staff as soon as possible if they desire a change in the proposed project schedule. He noted more CIP discussions are scheduled in March.

Councilmember Hiller spoke in support of additional CIP discussions in March.

Karl Fundenberger distributed a handout inviting the Governing Body to the Strong Towns Book Club Discussion on February 22, 2020, at the Round Table Book in the NOTO Arts District from 10:00 a.m. to 12:00 p.m. He spoke in support of the Polk-Quincy Viaduct Project and stated the City must consider the project a liability that will continue to increase in cost over time if not addressed.

Curtis Sweden, Greater Topeka Chamber of Commerce President, spoke in support of the Polk-Quincy Viaduct Project and the importance of the project to the development of the community including the Downtown and Riverfront areas. He stated KDOT has made it clear that communities have to be part of the solution; therefore, he believes this was the right time to include the project in the City's long-term CIP.

Joseph Ledbetter spoke in support of the Polk-Quincy Viaduct Project and noted the realignment will encourage Riverfront development. He expressed concern with the amount of revenue bonds being proposed; the need to pay projects with cash; and the need to reduce

operation costs through efficient replacement of waterlines. He distributed a handout relating to his ideas of how to communicate the CIP process to support transparency in government.

PUBLIC COMMENT was expressed by the following individuals:

Teresa Miller distributed a handout and pictures concerning the North Topeka West Banners Project and McKinley School. She highlighted the history of McKinley School as it relates to the Brown v. Board of Education Topeka Supreme Court Case and expressed concern with the poor condition of the building and the need for it to be rehabilitated. She stated the residents in North Topeka believe the City does not care about their neighborhoods.

Councilmember Valdivia-Alcala commented on the sense of hopelessness in the areas mentioned by Teresa Miller. She stated she would be willing to work with Ms. Miller to bring back the pride in aging neighborhoods.

Henry McClure expressed concern with allowing the bark park to continue to operate in the Topeka College Hill area and the negative affect it has on surrounding property values. He requested the City look at ways to assist in making the College Hill TIF District a success.

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

Brent Trout, City Manager, provided an overview of the March 3, 2020, preliminary Governing Body agenda. He announced the City of Topeka Open Data and Project portals have been named a finalist for the 2020 Smart Cities North America Awards in the Economic Development, Tourism, Arts, Libraries, Culture and Open Spaces category. He stated voting was open to the public through Wednesday, February 26, 2020, at www.surveymoney.com or by clicking the City's twitter link or Facebook posts. He announced a River South District Meeting would be held February 20, 2020, at the Lardner Stone Building, 320 SW 1st Avenue from 4:30

p.m. to 6:30 p.m. to discuss the Riverfront development plan. He reported staff continues to work with Teresa Miller on the North Topeka West Banner Project and noted they are awaiting approval from Evergy to install banners on neighborhood utility poles.

Councilmember Padilla stated he concurs with Henry McClure and believes the bark park was not conducive to the surrounding neighborhood. He announced a presentation on 2020 U.S. Census efforts would take place at the March 3, 2020, Governing Body meeting; and a 2020 Complete Census Town Hall meeting would be hosted by V-103 on February 27, 2020. He encouraged Governing Body members to spread the word to citizens to participate in the upcoming 2020 U.S. Census.

Councilmember Naeger expressed her gratitude to Bob Sample and City team members for providing detailed information on the City's water, stormwater and wastewater processes.

Councilmember Dobler thanked Sgt. Joshua Klamm for allowing him to participate in a ride-along and providing him detailed information on efforts to address homelessness in Topeka.

Councilmember Duncan commended staff for scheduling budget meetings to gather public input. He announced he would be absent from the March 3, 2020, Governing Body meeting due to a prior engagement.

Councilmember Hiller thanked Councilmember Padilla for his work in promoting the 2020 U.S. Census. She reported the Homeless Task Force in collaboration with the Topeka Rescue Mission plan to provide assistance to homeless people being removed from private property owned by the BNSF and Union Pacific Railroad companies.

Councilmember Valdivia-Alcala reminded limited-income citizens to enroll in City of Topeka Franchise credit program assistance with water, electric, gas and waste water bills. She instructed citizens to contact the Citizen Review Committee (CRC) at 785-233-1365 to apply for

assistance.

Councilmember Padilla moved to recess into executive session for a period of time not to exceed 10 minutes for consultation with the City's Legal Counsel to discuss attorney client-privileged matters relating to potential litigation as justified by KSA 75-4319(b)(2). In order to aid the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; Administrative and Financial Services Director, Jessica Lamendola; and City Attorney, Lisa Robertson. No action was anticipated to be taken when the open meeting resumed in the Governing Body Chambers. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

Following a 10-minute time period, the meeting reconvened into open session and Deputy Mayor Emerson announced no action was taken.

Councilmember Dobler moved to recess into executive session for a period of time not to exceed 30 minutes to discuss upcoming employer-employee negotiations, as justified by KSA 75-4319(b)(3). In order to aid the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; Administrative and Financial Services Director, Jessica Lamendola; Administrative Judge, Lori Dougherty-Bichsel; Public Works Director, Jason Peek; Human Resources Director, Jacque Russell; Utilities Director, Bob Sample; Deputy Administrative and Financial Services Director, Nick Hawkins; Senior Assistant City Attorney, Catherine Walter; and City Attorney, Lisa Robertson. No action was anticipated to be taken when the open meeting resumed in the Governing Body Chambers. The motion seconded by Councilmember Padilla carried. Councilmember Ortiz voted "no." (8-1-0)

Following a 30-minute time period, the meeting reconvened into open session and Deputy Mayor Emerson announced no action had been taken.

Councilmember Dobler moved to recess into executive session for a period of time not to exceed 15 minutes to continue discussion on upcoming employer-employee negotiations, as justified by KSA 75-4319(b)(3). In order to aid the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; Administrative and Financial Services Director, Jessica Lamendola; Administrative Judge, Lori Dougherty-Bichsel; Public Works Director, Jason Peek; Human Resources Director, Jacque Russell; Utilities Director, Bob Sample; Deputy Administrative and Financial Services Director, Nick Hawkins; Senior Assistant City Attorney, Catherine Walter; and City Attorney, Lisa Robertson. No action was anticipated to be taken when the open meeting resumed in the Governing Body Chambers. The motion seconded by Councilmember Naeger carried. Councilmember Ortiz voted “no.” Councilmembers Duncan and Lesser were out of the room. (6-1-0)

Councilmembers Duncan and Lesser entered the room.

Following a 15-minute time period, the meeting reconvened into open session and Deputy Mayor Emerson announced no action had been taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:51p.m.

(SEAL)

Brenda Younger
City Clerk