

## Governing Body Minutes – May 12, 2020

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, May 12, 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, Emerson, Dobler, and Duncan - 4; and the following Councilmembers participated remotely: Valdivia-Alcala, Ortiz, Padilla, Naeger, and Lesser - 5. Mayor De La Isla presided -1.

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

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

THE CONSENT AGENDA was presented as follows:

APPROVAL OF MINUTES of the special meeting of May 1, 2020, and regular meeting of May 5, 2020, was presented.

APPROVAL of the following Open After Midnight licenses was presented:

<u>Business Name</u>	<u>Address</u>
Abraham SN	1107 SW 6 <sup>th</sup> Ave
Bwell Market	600 SE Quincy St
Casey's #2261	600 SE Rice Rd
Casey's #2312	4441 SE California Ave
Casey's #3580	6741 SW 21 <sup>st</sup> St
CVS Pharmacy #8605	2835 SW Wanamaker Rd
CVS Pharmacy #10244	3901 SW 21 <sup>st</sup> St
Murphy Express #8599	1531 SW Wanamaker Rd
Tiltos Oakland Market	1905 NE Seward Ave
Walgreens #03069	1001 SW Topeka Blvd
Walgreens #03772	2901 SE California Ave
Walgreens #04557	2121 SW Fairlawn Rd
Walgreens #04782	3696 SW Topeka Blvd
Walgreens #04981	3630 SW Wanamaker Rd
Walgreens #07778	1001 SW Gage Blvd
Walgreens #15601	2101 NW Topeka Blvd
Walgreens #16314	3900 SW 29 <sup>th</sup> St

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

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

Brent Trout, City Manager, stated the Capital Improvement Plan (CIP) and Capital Improvement Budget (CIB) have been discussed several times and staff welcomes amendments at this time with intent to adopt on May 19, 2020.

Councilmember Valdivia-Alcala mentioned the NW Tyler Street project and that it has been included in the plan for several years and encouraged Governing Body members to move forward with the project as scheduled. She stated the street may be reduced from three to two lanes for the purpose of realizing savings; however, this area of the city needs the street improvements due to localized flooding and the need for curbs, gutters and sidewalks.

Councilmember Dobler referenced the Shunga Creek flood mitigation project scheduled in 2023. He stated there was extensive flooding that occurred in 2008, inundating properties from Wanamaker Road to I-70. He reported the overall benefit-cost ratio to determine federal funding benefits are tied to strict regulations and homeowners and businesses were told the cost-benefit analysis results would prevent them from receiving federal funding to help solve the problem. He noted staff has indicated the City would review the studies conducted and work on program fixes for areas impacted the most by localized flooding. He thanked Braxton Copley, Utilities Division Director, for providing solutions to consider and he requests the issues be addressed in the 2022 budget.

Councilmember Duncan expressed concern with the Topeka Performing Arts Center (TPAC) building improvement projects in the amount of \$300,000 being delayed. He requested

staff pick one or two high priority projects to provide the TPAC Board of Directors the ability to understand what improvements will be financial covered by the City. He referenced the possibility of leasing certain City vehicles and asked staff to consider transitioning into the leasing of certain vehicles as an option and noted there would be long-term savings even with required upfront dollars. He inquired on the desire of the Governing Body in regards to exceeding the \$9 million cap policy threshold in years four and five of the capital budget.

Brent Trout stated it would be difficult to consider the leasing of vehicles in 2020 and 2021 due to anticipated cash shortages in the operating budget. He stated the City will not be purchasing or leasing vehicles in the coming future due to budget constraints; however, the financial climate of the City may be different in 2022. He referenced exceeding the cap threshold (\$12 million in years four and five) and noted it was based on the decision of the previous Governing Body.

Councilmember Hiller distributed a handout listing proposed amendments to the proposed CIP and CIB (*Attachment A*). She stated proposed amendments were based on discussions by the Governing Body and stays within the policy cap as well as reserves \$9 million in bonding authority for Polk-Quincy Viaduct Project or other potential major projects. She expressed the importance of reviewing the budget in detail, from the top down in search of efficiencies. She provided an overview of proposed amendments to Facility, Public Safety and Street projects as well as Neighborhoods programs.

Councilmember Duncan suggested having another traffic assessment conducted when the hotel was complete at Wheatfield Village near SW 29<sup>th</sup> Street and Fairlawn Road.

Councilmember Valdivia-Alcala requested the NW Tyler Street from Lyman to Beverly project be removed from the proposed amendments by Councilmember Hiller and noted the

project has been scheduled for several years. She expressed concern with needing additional time to review the amendments.

Mayor De La Isla noted the amendments are extensive in nature and the Governing Body needs additional time to absorb the information.

Councilmember Ortiz concurred and stated she will need time to review the proposed amendments. She spoke in support of additional traffic improvements to the Wheatfield Village area as well as projects that would mitigate flooding along the Shunga Creek from SW Wannamaker Road to I-70. She spoke in opposition of removing the HazMat Fire Vehicle from the plan slated in 2024 and highlighted the need for this type of vehicle in the regional area.

Councilmember Hiller thanked the Governing Body for allowing her the opportunity to provide an overview of her amendments. She requested the City Manager provide a list of combined line items for the first year at a minimum in all grouped items, and five years for Fire Department and Fleet projects to help the Governing Body make strategic decisions. She suggested a 10% reduction on all Utility costs based on choice and materials. She noted there have been comments from the public that the budget should not be approved at the same time the plan was approved.

Councilmember Emerson thanked Councilmember Hiller for her work on drafting the proposed amendments. He spoke in support of the majority of changes being proposed to neighborhood programs. He questioned the need for the HazMat vehicle and suggested the City share the cost with the County and State. He stated he agrees with the removal of the Topeka Police Department Firearm Range Baffle and noted he may have suggestions for additional changes to Utility projects.

Brent Trout stated Topeka Police Chief Bill Cochran supports the removal of the Firearm Range Baffle from the CIP.

Councilmember Duncan requested clarification on the funding needs for the SW Gage Boulevard project from SW 37<sup>th</sup> to 45<sup>th</sup> Streets scheduled to be completed in 2020. He questioned if the HazMat vehicle was considered a regional vehicle and if so, he concurs with Councilmember Emerson, the City should ask for collective funding assistance. He spoke in support of needed changes to neighborhood programs.

Jason Peek, Public Works Director, (participated remotely) reported the funds would be bonded at the completion of SW Gage Project; therefore, the funding needs to remain in the capital budget.

Brent Trout stated the City receives a portion of funding for the reimbursement of HazMat vehicle materials used by other governmental entities.

Craig Duke, Topeka Fire Chief, confirmed the vehicle was considered a regional asset. He noted the closest regions equipped with a HazMat vehicle included Manhattan or Kansas City, Kansas. He spoke in support of keeping the purchase of a new HazMat vehicle in the capital budget providing a much needed upgraded vehicle apparatus.

Councilmember Valdivia-Alcala spoke in support of purchasing a new HazMat vehicle and expressed the importance of providing sufficient HazMat response to the community.

Councilmember Dobler referenced the fleet replacement program. He questioned if there was certain equipment that could be rented instead of purchased if it was only utilized a couple times a year.

Councilmember Hiller expressed concern with low mileage vehicles being exchanged for new vehicles prematurely.

Brent Trout thanked the Governing Body for their input and noted there has been a lot of information presented for staff to consider and evaluate. He commented on the following:

- In reference to the street projects identified, staff will work on possibilities and impacts.
- The elimination of the neighborhood SORT program would be a major change and staff would have to evaluate the proposal closely as well as the Governing Body must understand projects would be scattered throughout the city as opposed to a concentrated area. He noted if this was the model desired by the Governing Body he wants to make sure it would be the best use of dollars. He questioned how staff would manage six grant programs as opposed to one.
- The facilities fund in the amount of \$1.65 million will be reviewed relative to the impact it will have on Zoo facilities to better understand what projects could be delayed. He noted the fund was reduced from \$2.65 million to \$1.65 million and will be used for deferred maintenance on all City buildings, including Fire Stations. He stated he must understand what can be accomplished if the Facility Fund was reduced to \$900,000.
- Staff will provide more information on the HazMat vehicle and noted funding authorization will not be required in 2020.
- Staff will gather more information to distribute to the Governing Body regarding the type of vehicles and usage for fleet replacement.
- Staff will review and consider how the reduction in funds would affect the NW Tyler Street Project from Beverly to Paramore as well as the Fairlawn Project from SW 23<sup>rd</sup> to SW 28<sup>th</sup> Streets.

Councilmember Valdivia-Alcala stated she continues to communicate with City staff member David Bevins in regards to the true cost savings associated with the NW Tyler Street Project from Lyman to Beverly. She stated she opposes reducing the number of lanes at this time.

Councilmember Hiller stated the idea behind shifting Neighborhood program duties was to reduce services required by Neighborhood staff. She stated the intent of the proposal was to have Public Works staff manage neighborhood improvement program projects and the Neighborhood staff would manage duties specific to neighborhoods such as plans and applications.

**PUBLIC COMMENT:** Due to the public safety mandates surrounding the COVID-19

pandemic there will be no in-person public comment; however, written public comment may be submitted by email or in writing to the City Clerk for attachment to the minutes. -- Email: cclerk@topeka.org -- Address: 215 SE 7th Street, Room 166, Topeka, Kansas, 66603.

The following individuals submitted public comments via electronic mail: Clark W. Trammell, Karl Fundenberger, Kaitlin Alegria, Matt Benaka, Megan Martin, Angela Shelton, Joseph Ledbetter and Samuel Feather. (*Attachment B*)

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

Brent Trout, City Manager, announced City buildings including Municipal Court will be open to the public on May 18, 2020. He stated operations will primarily be remote; however, the general public can meet with staff if needed.

Mayor De La Isla reminded the general public to wear a mask for personal safety and as a sign of respect for all citizens. She noted the COVID-19 cases continue to increase.

Councilmember Naeger announced all people have a role to play in the COVID-19 recovery efforts and resources are available if needed.

Councilmember Dobler thanked Councilmember Hiller for her work on the CIP and proposed amendments. He announced on May 14, 2020, the State of Kansas Department of Transportation two-year highway plan would be released.

Councilmember Duncan congratulated 2020 graduates and recognized their great accomplishments in spite of social distancing requirements due to the COVID-19 pandemic.

Councilmember Hiller announced May 17, 2020, would be the 66<sup>th</sup> anniversary of the Brown v. Board of Education Topeka landmark Supreme Court case. She requested the

Governing Body receive a full briefing on the City Hall improvement project. She also requested line item budget sheets specifically related to operational changes for 2021.

Councilmember Valdivia-Alcala reminded the general public to take care of each other and wear masks. She announced a Joint Economic Development Organization (JEDO) Board Meeting would be held on May 13, 2020, at 6:00 p.m. in the City Council Chambers and discussions would include the SOTO Ridership Program.

Councilmember Padilla stated he echoes Councilmember Duncan's comments and was impressed with 2020 graduates in regards to their creativity and acceptance of the current COVID-19 situation.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 15 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 & Financial Services Director, Jessica Lamendola (participated remotely); Human Resources Director, Jacque Russell; 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 Dobler carried on roll call vote. Councilmember Ortiz voted "no." (9-1-0)

Following a 15-minute time period, the regular meeting reconvened into open session and Mayor De La Isla announced no action was taken.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 10 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 & Financial Services Director, Jessica Lamendola (participated remotely); Human Resources Director, Jacque Russell; 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 Dobler carried on roll call vote. Councilmember Ortiz voted “no.” (10-0-0)

Following a 10-minute time period, the regular meeting reconvened into open session and Mayor De La Isla announced no action was taken.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 15 minutes to discuss confidential employment matters pertaining to nonelected personnel, as justified by KSA 75-4319(b)(1), in order to protect the privacy of those discussed. 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, Lisa Robertson. No action was anticipated to be taken when the open meeting resumed in the Governing Body Chambers. The motion seconded by Councilmember Dobler carried unanimously. (10-0-0)

Following a 15-minute time period, the regular meeting reconvened into open session and Mayor De La Isla announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:12 p.m.

(SEAL)

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Brenda Younger  
City Clerk

Attachment A

**Proposed Changes to 2021-2030 CIP 5-12-20**

All changes below were made by project, rather than just for financial reasons. That said, the changes bring the proposed CIP in to the Council direction to stay within the policy cap and also reserve \$9 million in bonding authority for Polk Quincy or other potential major projects (such as local roadwork related to Polk Quincy, moving the LEC or Riverfront developments). The big changes are an expectation that the Zoo transition will have occurred (City keeping the debt, but not assuming new projects) and a mainstreaming of what has been called Neighborhood Improvement in recent years. All projects remain, though some that have had features added are rolled back. City would not lose anything, and we would be in good position for possible developments during the next three years.

**Facilities –**

Level Facilities starting total to \$1,650,000 for all 5 years.

Subtract \$630,000/yr (av.) for Zoo all 5 years. Assume Zoo has separated; City pays off old debt, Zoo pays forward

Reduce by additional \$120,000 to accommodate removing Parking (\$500,000) and Utilities (\$200,000) from this calculation, as they are not in General Fund. Also anticipates Holiday and LEC lights being replaced immediately and various economies.

Facil	\$900,000	\$900,000	\$900,000	\$900,000	\$900,000
Total	\$900,000	\$900,000	\$900,000	\$900,000	\$900,000

**Neighborhoods**

Sidewalks – Same \$\$\$. As per plan, \$100,000 is reserved for neighborhoods and others to propose as special projects

Neighborhood Infrastructure Program - Migrates into mainstream CIP – See Sidewalks, Streets, Infrastructure and Complete Streets (full discussion at end of document)

Sidewalks	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000
NIP	0	0	0	0	0
Total	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000

**Public Safety**

TPD Firearm Range Baffle – Same \$\$ ...though have been advised the baffle is not needed.

Fire Fleet – Push forward 1 year. Remove \$850,725 for HazMat vehicle in 2024. Adjust cost of TPD Firearm Range out of Fire Fleet in 2024

Fleet Replacement – Left at \$1,000,000 per year. Possibly reconsider due to analysis of Fleet Replacement Schedule

TPD Baffle				\$980,000	
Fire Fleet	0	\$1,640,000	\$850,000	\$685,000	\$2,662,500
Fleet Repl	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Total	\$1,000,000	\$2,640,000	\$1,850,000	\$2,665,000	\$3,662,500

*Karen Hiller Handout - Item 3A.*

## Street

New First Line – Neighborhood Streets – Add \$500,000/year for Neighborhood submission commitments – Can be match money for grants or direct, preferably only 1-3 projects per year.

Citywide Infrastructure – Same \$\$ – Neighborhoods and citizens citywide would be welcome to submit suggestions

Complete Streets – Same \$\$ – Neighborhoods and citizens citywide would be welcome to submit suggestions

NW Tyler, Lyman to Beverly – Roll back \$703,181, perhaps more, from 2022. Project description says go to 3 lanes with turn lanes at Lyman. Leave at 2 lanes, to be redone via Fix Our Streets. Add storm sewer and curb and gutter as needed, add sidewalks, add turn lanes only if traffic volumes indicate need.

Huntoon, Executive to Urish – Reconsider extent of improvements proposed, even if grants are available

Urish, 21<sup>st</sup> to 29<sup>th</sup> – Probably too late to renegotiate this one. The \$6,950,025 for building this does not appear in the 6-10 year plan in either GO or Countywide Sales Tax and the numbers on the spreadsheet and the project page don't match. Which is correct? What year is the \$7M needed?

NW Tyler, Beverly to Paramore – Reduce by \$500,000 from 2025, perhaps more. Stay with 2 lanes through Fix Our Streets, add curb and gutter and storm sewers where needed, sidewalks, and turn lanes only if traffic volumes indicate need. Sidewalks need to go all the way to Laurent if funds are available.

Fairlawn, 23<sup>rd</sup> to 28<sup>th</sup> – Left in...but.... Confusion between the texts on the project pages and the spreadsheets. Now that 28<sup>th</sup>-29<sup>th</sup> has been completed, is there still a feeling that a turn lane and stoplight are needed?

Gage, 37<sup>th</sup>-45<sup>th</sup> – Deleted. This project is being done in 2020.

Neighborhood Streets	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
Medians	\$80,000		\$300,000	\$300,000	
Infrastructure	\$200,000	\$200,000	\$200,000	\$250,000	\$250,000
Complete Streets	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
SW 10 <sup>th</sup> /Fairlawn	\$1,557,000				
SW Wanamaker	\$500,000	\$500,000			
NW Tyler/Lyman	\$165,600	\$1,128,332			
SW 10 <sup>th</sup> /Wanamaker				\$155,250	\$50,000
Downtown			\$50,000	\$50,000	
Huntoon/Executive				\$350,000	\$258,750
Urish			\$50,000	\$450,000	\$350,000
NW Tyler/Paramore				\$103,500	\$492,901
So. Topeka					\$51,750
SW Fairlawn			\$103,500	\$103,500	\$672,750
SW Gage					
Total	\$3,102,600	\$2,428,332	\$1,303,500	\$2,362,250	\$2,726,151

## Traffic

No change – Appreciate 2021 Cash for Traffic Signals. Still would prefer to move all to cash...in time.

Total	\$302,800	\$1,187,800	\$1,105,000	\$1,105,000	\$1,105,000
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TOTAL	\$5,905,400	\$7,756,132	\$5,712,567	\$7,632,250	\$8,993,651
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**TOTAL** Borrowing limit is \$45,000 for 5 years. Total above is \$36,000,000. SO.... \$9,000,000 is available for Polk Quincy Viaduct (of \$20,000,000 needed), moving the LEC, River-related or other projects that may develop. There is confidence we should be able to raise more than half of what we need for Polk Quincy through grants. This will allow us to guarantee full funding...have it budgeted...and be prepared for growth as well.

**Neighborhood Improvement Project** – becomes **Neighborhood Improvement Opportunities Program**  
Transition of Infrastructure projects to mainstream CIP. Infrastructure submissions would be considered far enough in advance that projects are already selected, can be identified in the CIP and can be managed in concert with other projects. Managed in partnership by Neighborhood Relations and Public Works. Neighborhoods and individuals would be able to compete/submit for:

- \$500,000 in Streets (Streets, Alleys, Curb/Gutter) – CIP annual

- \$100,000 in Sidewalks – CIP annual

- \$200,000 in Infrastructure – CIP annual

- \$100,000 in Complete Streets – CIP annual

- \$130,000 in Enhancement or its successor (NIA's only) –CDBG annual – Neighborhood Relations Parks and Rec – to Shawnee County

- \$300,000+ Housing – CDBG, HOME, Tax Credits, other \$\$ and Partners - Neighborhood Relations Grants

- Volunteers

Prior to Passing:

From combined line items.... Council needs to see an itemized first year minimum (prefer 3 years) in all grouped items, 5 years for Fire Fleet. If staff is not certain 1 year in advance of major projects, the project budget should be pushed to the next year.

Suggest 10% reduction on all Utilities, based on choice and sizing of materials or other potential savings.

Other adjustments may be recommended by others.

There is growing sentiment that Council NOT approve pre-approve projects at this time.