

Governing Body Minutes – July 14, 2020

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, July 14, 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 and Duncan -3; and the following Councilmembers participated remotely: Ortiz, Padilla, Naeger, Dobler, and Lesser - 5. Mayor De La Isla presided -1. Absent: Councilmember Emerson -1.

AFTER THE MEETING was called to order, Reverend Patrick Funston, Episcopal Diocese of Kansas, provided the invocation.

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

PRESENTATION on the Strengthening Police and Community Partnerships (SPCP) was provided by Cpt. Colleen Stuart, Topeka Police Department, and Staff Sgt. Keith Nichols, Kansas National Guard.

Councilmember Valdivia-Alcala questioned attendance at community SPCP events conducted in various locations throughout the city and if the “Excessive Use of Force” topic was discussed at the events. She asked staff to comment on the relationship of dialog between Topeka Police officers and citizens and if SPCP helped improve communication efforts.

Police Chief Cochran reported attendance varied in each district. He reported they plan to improve efforts to increase attendance and all topics discussed at meetings are listed on the handout. He believes the SPCP partnership has opened up the line of communication to those individuals Topeka Police officers have not been able to communicate with.

Councilmember Duncan commended the SPCP for conducting a meeting in Council District 8 that made citizens feel welcome resulting in good attendance. He asked what factors have contributed to low attendance by community youth.

Staff Sgt. Nichols reported COVID-19 pandemic precautions have taken a toll on attendance by youth due to schools closing and the cancelling of extracurricular activities. He agreed more effort needs to be made to recruit more young people for the program.

Councilmember Hiller suggested increased efforts through online communication to engage the youth. She asked staff to provide contact information for those interested in getting involved.

Cpt. Stuart stated interest citizens could call 785-368-9451 or email spcp@topeka.org.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9188 introduced by Councilmember Karen Hiller, approving a special event known as the 2020 Cruisin' the Capitol Car Show was presented.

RESOLUTION NO. 9189 introduced by Councilmember Karen Hiller, granting Cumulus Broadcasting an exception to the provisions of City of Topeka Code Section 9.45.170 concerning noise prohibitions was presented.

RESOLUTION NO. 9190 introduced by Councilmember Karen Hiller, approving a special event known as 99.3 The Eagle Cruise Night 2020 was presented.

APPROVAL OF MINUTES of the regular meeting of July 7, 2020, was presented.

APPROVAL of the following Open After Midnight licenses was presented:

<u>Business Name</u>	<u>Address</u>
Bob's Carwash	2733 SE California Ave
Bob's Carwash	4000 S Topeka Blvd

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

APPROVAL of an amendment to the 2019 Consolidated Action Plan amendment was presented.

Corrie Wright, Division Director of Housing Services, reported the amendment would add an additional \$3.1 of CARES Act funds to the already approved 2019 Consolidated Action Plan.

Councilmember Valdivia-Alcala requested regular updates regarding allocation of funding for rental assistance.

Councilmember Hiller asked when the business grants program would be fully developed.

Corrie Wright stated staff would provide regular updates to the Governing Body regarding allocation of funding for rental assistance; and the business grants program allocations details will be determined as staff receives more guidance from Housing and Urban Development (HUD).

Councilmember Hiller requested the fully developed plan for the business grants program allocations be presented to the Governing Body for review and/or approval prior to the grants being distributed.

Brent Trout agreed to the directive requested by Councilmember Hiller. He stated the proposed 2019 amendment needs to be approved at this time so the City could move forward with the allocation of funds.

Councilmember Ortiz moved to direct the City Manager to present the fully developed plan for the business grants program allocations to the Governing Body for review and/or approval and approve the amendment to the 2019 Consolidated Action Plan. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (9-0-0)

Councilmember Duncan referenced the ordinance concerning the execution of search warrants (No-Knock Warrants) that was removed from the July 14, 2020, agenda and placed on

the July 21, 2020, agenda. He reported he did not request to remove the ordinance from the agenda and has not received any negative comments. He stated the ordinance was removed from the agenda at the request of Fraternal Order of Police (FOP) Union representatives. He noted he announced his intent to propose the ordinance over six weeks ago, providing union members' sufficient time to contact him with their concerns. He announced the ordinance would be considered for action on the July 21, 2020, agenda and he looks forward to discussing concerns with FOP union members.

APPROVAL of the 2021 Transient Guest Tax allocations in the amount of \$3,351,567 was presented.

Councilmember Duncan, Transient Guest Tax Committee Chair, reported the Committee approved the allocation of Transient Guest Tax (TGT) funds in the amount of \$3,351,356 by unanimous vote on July 7, 2020. He stated each group that received TGT funds followed the requirement to issue quarterly reports to the City as well as provide a presentation outlining how funds were spent. He reported staff was confident that funds were spent appropriately, however, the groups were notified that if there were additional TGT funds generated in future years, those funds may be allocated to other groups in the community.

Councilmember Padilla thanked Committee members for their work and efforts in the TGT Grant process.

Councilmember Valdivia-Alcala stated she would abstain from voting due to a conflict of interest.

Lazone Grays spoke in opposition of the City's process for allocating TGT grant funding. He questioned why a competitive bid process through a Request For Proposal (RFP) was not

used to distribute funding. He expressed concern with the lack of diversity in distributing public funds and encouraged future change in the allocation process that includes equity.

Councilmember Valdivia-Alcala spoke in support of a diverse process and researching the needs of all community businesses.

Councilmember Hiller provided a brief background on the current process and noted the organizations initially were awarded funding through an RFP process.

Councilmember Duncan moved to approve the 2021 TGT Grant Allocations in the amount of \$3,351,356. The motion seconded by Councilmember Padilla carried on roll call vote. Councilmember Valdivia-Alcala abstained. (8-0-1)

ESTABLISHING a public hearing date of July 28, 2020, for the purpose of hearing and answering objections of taxpayers relating to the proposed City of Topeka 2021 Operating Budget; setting the maximum expenditure limits; and authorizing the publication of the public hearing notice in the Topeka Capital Journal was presented.

Brent Trout, City Manager, stated approval would establish a public hearing date of July 28, 2020. He reported a special meeting was scheduled due to the cancellation of the August 4, 2020, meeting, the same day as the 2020 Primary Election. He encouraged citizens to provide input on the 2021 budget.

Councilmember Valdivia-Alcala stated she received many comments and concerns regarding reduction of funding for empowerment grants. She encouraged individuals who support the reinstatement of empowerment grant funding to personally appear at the public hearing and provide comments.

Councilmember Ortiz moved to approve a public hearing date July 28, 2020, and authorize publication of the public hearing notice in the Topeka Capital Journal on July 19, 2020. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (9-0-0)

DISCUSSION on the Topeka Citywide Housing Market Study and Strategy was presented.

Bill Fiander, Planning and Development Director, stated the study and strategy comprehensively assesses the housing gap with the intent to understand current and future housing needs and how the City can align its resources to meet those needs in the market. He reported the findings, recommendations and strategies identified in the Citywide Housing Market Study and Strategy (“Market Study”) will guide implementation by the City, housing partners, funders, and the development community to the greatest extent possible in expanding the availability of affordable and market rate housing.

Justin Karney and Andy Pfister, Development Strategies, provided an overview of the key themes of the process, priority housing strategies; the incremental approach of an affordable housing trust fund; and the importance of partners and expanding capacity.

Olga Hennessey, Topeka JUMP member, spoke in support of real results for affordable housing. She stated the housing study provides the tools to make the necessary changes and encouraged the Governing Body to take advantage of COVID-19 relief dollars as they become available for housing related issues. She suggested the Governing Body adopt the study; implement changes; apply for Strengthening People and Revitalizing Kansas (SPARK) Committee funding in the amount of \$5 million; and allocated funding to the Housing Trust Fund.

Steve Vogel spoke in opposition of the study; regulations that hinder landlords; and the implementation of a land bank. He questioned the seriousness of the study and the research used. He stated he understands the dynamics of all tenant and landlord issues; however, he does not believe additional regulations will solve the problems.

Councilmember Duncan requested areas landlords present options for solutions as well as all community partners to provide input.

Councilmember Valdivia-Alcala stated she concurs with Councilmember Duncan and encouraged further dialog on the issues.

Mayor De La Isla encouraged Mr. Vogel to view the Shawnee County court docket regarding tenant and landlord matters to help him better understand the need for more regulations.

Councilmember Valdivia-Alcala spoke to intersectionality as it relates to race and equity issues in the Housing Study including red-line areas; low median of household income; inflated rental rates as well as high unemployment rates. She encouraged citizens to read the housing study and spoke in support of allocating funds to the Housing Trust Fund.

Councilmember Duncan thanked staff for outlining realistic benchmarks to implement the study.

Councilmember Naeger concurred with Councilmember Duncan and thanked staff for presenting a comprehensive study that includes small incremental steps that are achievable.

Councilmember Hiller thanked staff and all involved for creating a realistic housing study. She spoke in support of using COVID-19 funds where possible and commended area landlords for their efforts. She questioned if there may be a need to include more targeted language in the resolution being proposed at the July 21, 2020, Governing Body meeting. She

spoke in support of allocating funding to the Housing Trust Fund and expressed the importance of making sure the community has all programming in place to support housing study strategies to ensure success.

Councilmember Duncan stated he concurs with Councilmember Hiller. He noted there are items listed in the study that will require large process and policy changes; therefore, he questioned if the Governing body should consider creating a special committee to help manage large strategies outlined in the study.

Councilmember Valdivia-Alcala offered to serve on the special committee.

Councilmember Hiller stated there continues to be high interest from many community partners that would be more than willing to provide input to the special committee if established.

DISCUSSION on the City of Topeka 2021 Operating Budget was presented.

Jessica Lamendola, Administrative and Financial Services Director, stated budget discussions would continue on July 21, 2020, the public hearing would be conducted on July 28, 2020, with intent to adopt the 2021 operating budget on August 11, 2020. She reported Utilities Department line items will be discussed on July 21, 2020. She noted staff continues to work on four different sets of questions and will supply answers to those questions over the next several days.

Mark Biswell, Information Technology (IT) Director, provided an overview of the IT operating budget.

Sherri Schoonover, Information Technology Deputy Director, provided an update on the payment portal project.

Councilmember Ortiz stated she looks forward to having the option to use electronic checks.

Hanna Uhlrig, Public Works Deputy Director, provided an overview of Public Works Internal Services operating budget for Fleet Services, Facilities and the Parking Division.

Councilmember Duncan asked if the City and County are partnering in their efforts of snow removal. He asked if the payments related to downtown pocket parks were a new or existing expense.

Jason Peek, Public Works Director, reported the City currently has a contract with Shawnee County for the removal of snow from outer streets; and the pocket park expense was moved from the Public Works Administrative Fund to the Parking Fund as well as the expenses related to landscape maintenance.

Councilmember Hiller commended staff for presenting a comprehensive review of internal services; however, she expressed concern with the future of the parking plan assessment. She noted she believes the City should maintain ownership of the garages and make sure the Parking Fund remains protected due to increased downtown development.

Hannah Uhlrig reported the City has hired a consultant to reassess deferred maintenance on the parking garages and available funding for a comprehensive plan regarding the use of the Parking Fund.

Jason Peek provided an overview of the Citywide Sales Tax Fund.

Brent Trout, City Manager, reported staff continues to pursue fiscally responsible possibilities related to contracted services and new ways of conducting business.

DISCUSSION on the establishment of a special committee to review and make recommendations to the Governing Body relating to public infrastructure projects was presented.

Jason Peek, Public Works Director, reported the purpose of the special committee would be to review and make recommendations to the Governing Body relating to public infrastructure

projects and will include (1) approval of a list of G.O. bonded projects for Facilities, Sidewalks, and Fleet Replacement; (2) approval of project budgets exceeding \$250,000 which are funded with citywide half-cent sales tax; and (3) approval of a list of projects with project budgets less than \$250,000 that are funded with citywide half-cent sales taxes.

Councilmember Dobler thanked staff for their work on the proposal. He stated most cities have a similar type of committee oversight and review of infrastructure project selection.

Councilmember Naeger, Mayor De La Isla and Councilmember Hiller spoke in support of establishing the committee.

PUBLIC COMMENT was expressed by the following individuals:

Mary Akerstrom spoke in opposition of more funding allocations for pocket parks; upgrades along Kansas Avenue; resurfacing of Wanamaker Road and companies that have the ability to support themselves. She spoke in support of allocating more funds for affordable housing; advocating increasing the overall state of Kansas minimum wage; and allocating funding for street repairs in central and east Topeka.

Thomas Muther referenced comments he made at the July 7, 2020, Governing Body meeting and stated his anger was directed at society at large not the Governing Body. He stated he plans to continue to advocate change for the Topeka Police Department and across the nation.

Lazone Grays expressed his appreciation to Topeka Police Chief Bill Cochran and Ed Pavarnik, Greater Topeka Partnership. He expressed concern with the lack of the diversity in the City of Topeka Procurement Policy and noted he has been speaking about the matter for over 10 years and a change needs to take place. He asked the City and County to create an Equity Policy plan and statement for the City of Topeka and Joint Economic Development Organization (JEDO) funding.

Regina Platt stated they demand the Fraternal Order of Police (FOP) contract include language that eliminates the use of choke holds and no knock warrants as well as policies that prevent citizens from being shot in the back and police officers from shooting at moving vehicles.

Pjay Carter stated he echoes the voices of Regina Platt and Lazon Gray. He stated he believes it remains clear what the community wants. He asked the Governing Body what they need from the community to make things happen and implement serious changes.

The following individuals submitted public comment via electronic mail: Marsha Pope, Sam Carkhuff and Joseph Ledbetter. *(Attachment A)*

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

Brenda Younger, City Clerk, provided an overview of the July 21, 2020, Governing Body Agenda.

Councilmember Duncan requested a presentation on city hall renovations. He asked citizens to watch out for neighbors during hot weather. He encouraged discussions between Federal, State, City and County governments to make sure there will be adequate internet access to provide adequate education for students.

Councilmember Hiller echoed comments about sufficient broadband internet services and questioned if COVID-19 funding could be used to implement improvements.

Councilmember Valdivia-Alcala announced a drive-by Taste of Fiesta Parade on July 18, 2020, from 7:00 p.m. to 9:00 p.m. at Our Lady of Guadalupe Church and noted they hope to hold a food sales event in the fall. She inquired on the information she requested on the Use of Force policy, Chief Advisory Counsel and crime stats that are categorized by race and gender. She

requested the information be placed on the July 21, 2020, Governing Body agenda. She spoke in support of labor unions as a whole; however, in regards to Fraternal Order of Police union contracts across the nation, serious language changes need take place in order to address serious systemic problems across the nation.

Councilmember Ortiz announced the East Topeka South neighborhood cleanup on August 8, 2020 from 8:00 a.m. until 11:00 a.m.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:51 p.m.

(SEAL)

Brenda Younger
City Clerk