



Cyrus K. Holliday Building, 1st Floor
Conference Room 620 SE Madison Street
Topeka, KS 66603
<https://www.topeka.org>

Governing Body Agenda

October 1, 2024
6:00 PM

Mayor: Michael A. Padilla

Councilmembers

Karen A. Hiller	District No. 1	Marcus D.L. Miller	District No. 6
Christina Valdivia-Alcala	District No. 2	Neil Dobler	District No. 7
Sylvia E. Ortiz	District No. 3	Spencer Duncan	District No. 8
David Banks	District No. 4	Michelle Hoferer	District No. 9
Brett D. Kell	District No. 5		

City Manager: Dr. Robert M. Perez

Addressing the Governing Body: Public comment for the meeting will be available via Zoom or in-person. Individuals must 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 the date of the meeting, after which the City Clerk's Office will provide Zoom link information and protocols prior to the meeting. View the meeting online at <https://www.topeka.org/communications/live-stream/> or at <https://www.facebook.com/cityoftopeka/>.

Written public comment may also be considered to the extent it is personally submitted at the meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 012B, Topeka, Kansas, 66603 or via email at cclerk@topeka.org on or before the date of the meeting for attachment to the meeting minutes.

If you need any accommodations for the meeting, please contact the City ADA Coordinator at 785-368-4470. Kansas Relay Service at 800-766-3777. Please provide a 48 Hour Notice if possible. Assistive listening devices are available for use in the community forum.

Agendas are available by 5:00 p.m. on Thursday in the City Clerk's Office, 215 SE 7th Street, Room 012B, Topeka, Kansas, 66603 or on the City's website at <https://www.topeka.org>.

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. ROLL CALL:

2. PRESENTATIONS:

- **Lead & Copper Rule Revisions (LCRR)**

3. CONSENT AGENDA:

A. MINUTES of the regular meeting of September 17, 2024

B. APPLICATIONS:

4. ACTION ITEMS:

A. Security Guard License Appeal - S. Reed

APPEAL submitted by Shirley Reed for denial of Private Security Guard License.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval to deny the appeal, will affirm the decision of the Topeka Police Department to deny Ms. Reed's private security guard license.)

B. Ordinance - Community Resources Council (PUD 24/13)

ORDINANCE introduced by City Manager Dr. Robert M. Perez amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code on property located at 2303 SW College Avenue by changing the zoning from "R-1" Single Family Dwelling District ALL TO "PUD" Planned Unit Development District to allow R-1 uses and not-for-profit social services subject to conditions of approval. (PUD 24/13)
(Council District No. 6)

Voting Option Requirements: (1) Approve Planning Commission's recommendation, 6 votes are required of the Governing Body (2) Reject or Amend Planning Commission's recommendation, 7 votes are required of the Governing Body; or (3) Remand back to Planning Commission, 6 votes are required of the Governing Body.

(Approval will allow the reuse of the former elementary school for non-profit social services as well as their administrative offices.)

C. Resolution - Club Car Wash and Dollar Tree (Community Plaza Subdivision) Control Access

RESOLUTION introduced by City Manager Dr. Robert M. Perez recommending approval of an adjustment of access control to the Final Plat of the Community Plaza Subdivision. *(The Public Infrastructure Committee recommended approval on September 17, 2024.)*

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would adjust the access control to the Final Plat of the Community Plaza Subdivision)

addressing the flow of traffic to the Club Car Wash and Dollar Tree on SE California Avenue at approximately SE 26th Street.)

D. Ordinance - Bi-Annual Contractor Licensing

ORDINANCE introduced by City Manager Dr. Robert M. Perez, amending Sections 5.63.040 and 5.63.050 concerning licenses and registration term and fees of the Topeka Municipal Code and repealing original sections. (The Policy and Finance Committee recommended approved by a vote of 3-0-0 on August 15, 2024.)

Voting Requirement: Action requires at least five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

(The proposed ordinance would amend TMC Section 5.63.50 to allow licenses to be issued on a two-year cycle.)

E. Resolution - Hotel Topeka Additional Funding Request

RESOLUTION introduced by City Manager Dr. Robert M. Perez regarding additional funding for operations and maintenance of Hotel Topeka in the amount of \$500,000.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would authorize an additional \$500,000 to be used for any future operating fund requests for emergency or life safety issues.)

5. NON-ACTION ITEMS:

A. Discussion - 2025 Special Alcohol Grant Fund

DISCUSSION of funding recommendations by the Alcohol and Drug Advisory Council in the amount of \$670,534 for the 2025 Special Alcohol Fund.

(The City receives the liquor tax collected by the State of Kansas. State statute requires that one-third of the proceeds be deposited in the City's Special Alcohol and Drug Program Fund.)

B. Discussion - Land Bank Ordinance Amendment

DISCUSSION of a proposed amendment to Section 6(d) of the City's Land Bank Ordinance No. 20426 concerning Administration of property. (The Policy and Finance Committee recommended approval on August 15, 2024.)

(Approval of the proposed ordinance would allow for transfer of property to be utilized as a rental property not exclusively homeownership.)

6. PUBLIC COMMENT:

Public comment for the meeting will be available via Zoom or in-person. Individuals must 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 the date of the meeting, after which the City Clerk's Office will provide Zoom link information and protocols

prior to the meeting. Written public comment may also be considered to the extent it is personally submitted at the meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 012B, Topeka, Kansas, 66603 or via email at cclerk@topeka.org on or before the date of the meeting for attachment to the meeting minutes. View the meeting online at <https://www.topeka.org/communications/live-stream/> or at <https://www.facebook.com/cityoftopeka/>.

7. ANNOUNCEMENTS:

8. EXECUTIVE SESSION:

Executive Sessions are closed meetings held in accordance with the provisions of the Kansas Open Meetings Act.

(Executive sessions will be scheduled as needed and may include topics such as personnel matters, considerations of acquisition of property for public purposes, potential or pending litigation in which the city has an interest, employer-employee negotiations and any other matter provided for in K.S.A. 75-4319.)

9. ADJOURNMENT:



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 1, 2024

DATE: October 1, 2024
CONTACT PERSON: Sylvia Davis, Utilities Director DOCUMENT #:
SECOND PARTY/SUBJECT: PROJECT #:
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

- Lead & Copper Rule Revisions (LCRR)

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 1, 2024

DATE: October 1, 2024
CONTACT PERSON: Jamey Haltom, Interim Police Chief **DOCUMENT #:**
SECOND PARTY/SUBJECT: Security Guard License Appeal **PROJECT #:**
CATEGORY/SUBCATEGORY: 001 Appeals / 002 License Denial
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

APPEAL submitted by Shirley Reed for denial of Private Security Guard License.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval to deny the appeal, will affirm the decision of the Topeka Police Department to deny Ms. Reed's private security guard license.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether the facts supporting the denial of the license application are correct (i.e. was the applicant convicted of a crime of violence within 10 years prior to the license application.).

STAFF RECOMMENDATION:

Uphold Denial pursuant to Topeka Municipal Code 5.90.140(a)(3)(iii)

BACKGROUND:

Topeka Police Department denied Ms. Reed's application pursuant to TMC 5.90.140(a)(3)(iii) based on the fact that the applicant was convicted of the charge of battery on April 6, 2017. Ms. Reed's appeal states she struck a burglar in self-defense. Topeka Municipal Code Section 5.90.130(c) allows the applicant to appeal in writing and request a hearing before the City Council.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

S. Reed Appeal Letter

S. Reed Denial Letter

TMC Sections 5.90.130 and 5.90.140

S. Reed Handout

September 23, 2024

24 SEP 23 PM 3:25
REC'D TOPEKA CITY CLERK

City Council
City Clerk's Office
785-368-3940

Dear City Council,

I am writing to explain the incident that occurred in my home on April 6, 2017. I am pleading self-defense in order to retain my private security guard license. I struck the burglar out of fear while protecting myself and my home. I respectfully request a hearing before the city council to discuss this matter.

I have evidence and witnesses who can attest to my statements. I accepted a plea deal at the time to keep my job, not realizing it would later have repercussions.

Can we address this matter as soon as possible so that I may keep my job and continue to serve the community of Topeka.

Thank you for your consideration.

Shirley Reed
500 SW Fillmore St
Topeka, Ks 66606
316-390-0978



Search mail

99+



Mail

4

Chat

Meet

From: Deanna Polly-Faulkner
Sent: Monday, September 23, 2024 1:09 PM
To: mewis@topeka.org
Subject: Shirley Reed

To Whom It May Concern:

I was the agent for Shirley Reed who purchased a renters policy with Shelter Insurance several years ago. I am no longer the agent, and the old records have been put away. Shirley came home one evening and out of fear she hit the person (man) who was the burglar. He changed his story when he was caught but he did go to jail. Shirley had a renters policy. It was a crazy situation with unfortunate consequences for Shirley. If you have any questions, you may contact me on my personal cell phone which is 316-209-7045

Respectfully,

Deanna Polly-Faulkner
 Affiliate Agent
 Tommy Leach Agency LLC
 Shelter Insurance
 1133 S Rock Rd. Ste 3
 Wichita, KS 67207-3300
 316-685-5235 Office
 316-209-7045 Cell



CITY OF TOPEKA

www.topeka.org

Police Department
320 S. Kansas Avenue, Suite 100
Topeka, Kansas 66603-3640



September 23, 2024

Shirley Reed
500 SW Fillmore st
Topeka, KS 66606

Dear Ms. Reed

This letter acknowledges your application for private security guard licensure. However, pursuant to City of Topeka Code Section 5.90.140(a)(3)(iii) our office regrets to inform you that at this time we are unable to issue you a private security guard license. Please refer to the enclosed copy of the City of Topeka Codes pertaining to Private Security Guard licensure.

It has been brought to our attention that on April 6, 2017, through the Sedgwick Co District Court, you were convicted of the charge of Battery; Bodily harm to another person. Our records indicate that this conviction has not been expunged or pardoned.

Furthermore, as you know, City of Topeka Code Section 5.90.100(a) prohibits an individual from working as a private security guard without a current and valid license.

Please be advised that you may appeal this decision and request a hearing before the City Council. Any appeals must be made in writing within ten (10) days of the above date. Please submit this request to Topeka City Clerk, 215 E. 7th, Topeka, KS 66603.

Should you have further questions, please do not hesitate to contact this office at (785)368-9039.

Sincerely,

Interim Chief Jamey Haltom

Melody Lewis
Licensing & ID, Topeka Police Department
mlewis@topeka.org
785-368-9039 phone, 785-368-9221 fax



5.90.130 Licensing procedure – Appeals.

- (a) Applications and the attached forms are to be completed in full. The applicant shall return the completed application and forms to the Police Department. The Chief of Police shall, after receipt of the completed application, direct that the applicant's qualifications be investigated. Upon completion of the investigation, the Chief of Police shall approve or disapprove the application. The Chief of Police may, at any time during the approval procedure, seek the advice or recommendations of the City Attorney's office.
- (b) The Chief of Police is authorized to promulgate all necessary rules and regulations concerning the review and processing of private security firm, employee, agent or guard applications. The rules and regulations so promulgated shall be with the approval of the City Attorney.
- (c) If the Chief of Police denies the application for a license under this chapter, the Chief of Police shall promptly notify the applicant of the action. Within 10 days after receiving notice from the Chief of Police that his or her application for a private security guard license has been disapproved or denied, the applicant may appeal in writing to the Council for a hearing on the matter. The issue in any appeal from a denial pursuant to TMC 5.90.140(a) shall be limited to determining whether the facts supporting the disapproval or denial of the license are correct. (Ord. 20037 § 5, 12-6-16.)

Cross References: City Council – Mayor, Chapter 2.15 TMC; City Attorney, TMC 2.20.070.

5.90.140 Qualifications – Denial, suspension or revocation of licenses – Procedure – Appeals – Emergency suspensions.

- (a) The Chief of Police may deny an application, or suspend or revoke a license issued to:
- (1) Any person under 18 years of age;
 - (2) Any person convicted of a felony;
 - (3) Any person convicted of any of the following crimes within 10 years prior to the date of the application:
 - (i) A crime involving dishonesty or fraud;
 - (ii) A crime involving the use of a firearm;
 - (iii) A crime of violence; or
 - (iv) A crime involving any controlled substance.
 - (4) Any person who is subject to a court order that restrains such person from harassing, stalking, or threatening others or an intimate partner of such person or child of such intimate partner or person, or

engaging in other conduct that would place others or an intimate partner in reasonable fear of bodily injury to the partner or child, except that this subsection shall only apply to a court order that:

(i) Was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

(ii) (A) Includes a finding that such person represents a credible threat to the physical safety of others or an intimate partner or child; or

(B) By its terms explicitly prohibits the use, attempted use, or threatened use of physical force against others or an intimate partner or child that would reasonably be expected to cause bodily injury.

(5) Any person against whom a judgment for fraud, deceit or misrepresentation has been entered within 10 years immediately preceding the date of application;

(6) Any person who provides false or incomplete information or fails to provide any requested information on his/her application.

(b) It shall be unlawful for any person holding a license or temporary license to fail to report to their employer, or for any employer to fail to report to the Chief of Police within five business days, any judgment or conviction for an act set forth in subsection (a) of this section that constitutes a reason for denial of an application or suspension or revocation of a license.

(c) The procedure for appealing from denial of an application for a license shall be as specified in TMC 5.90.130(c).

(d) Prior to suspending or revoking a license issued under this chapter, the Chief of Police shall issue written notice to the licensee at their last known address of the reasons for the proposed suspension or revocation and an opportunity for a hearing on the matter. Except as provided by subsection (f) of this section, the hearing shall be scheduled for not more than 14 days from the date of the notification, and the licensee shall be notified of the date, time and location of the hearing. The licensee may appear in person, or by counsel, or both. The Chief of Police may continue the hearing in his or her discretion. After the hearing, the Chief of Police shall issue an order either revoking or suspending the license or declining to revoke or suspend the license and the reasons therefor. The Chief of Police shall serve a copy of the order on the licensee.

(e) Any person or firm that has their license suspended or revoked by the Chief of Police may appeal the decision to the Governing Body by filing a written notice of appeal with the City Clerk within 10 days of receipt of the order suspending or revoking the license. If a timely appeal is filed, the Governing Body shall hold a hearing and the person or firm appealing may present any evidence and be heard with respect to the allegations that resulted in suspension or revocation by the Chief of Police. The licensee may, concurrently with appeal of the suspension or revocation, request in writing that imposition of suspension or revocation be stayed pending the outcome of the appeal. If both the notice of appeal and request for stay are timely filed with the City Clerk, imposition of the suspension or revocation shall automatically be stayed, pending the outcome of the appeal. The Governing Body

shall either affirm or reverse the suspension or revocation, or remand the matter to the Chief of Police for further proceedings.

(f) The Chief of Police, with the approval of the City Attorney, may use emergency proceedings to suspend a license in any situation involving an immediate danger to the public health, safety or welfare requiring immediate action. The Chief of Police may take only such action as is necessary to prevent or avoid the immediate danger to the public health, safety or welfare that justifies use of emergency adjudication. The Chief of Police shall render an order, including a brief statement of findings of fact, conclusions of law and policy reasons for the decision if it is an exercise of the Chief of Police's discretion, to justify his or her decision to take the specific action and the determination of an immediate danger. The Chief of Police shall give such notice as is practicable to persons who are required to comply with the order. The order is effective when rendered. After issuing an order pursuant to this section, the Chief of Police shall proceed as quickly as feasible to complete any proceedings pursuant to subsection (d) of this section that would be required if the matter did not justify the use of emergency proceedings. (Ord. 20037 § 6, 12-6-16.)

Cross References: City Council – Mayor, Chapter 2.15 TMC; City Clerk, TMC 2.20.010; City Attorney, TMC 2.20.070.

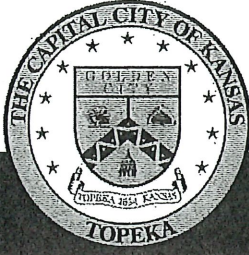
The Topeka Municipal Code is current through Ordinance 20515, passed August 20, 2024.

Disclaimer: The City Clerk's Office has the official version of the Topeka Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: www.topeka.org

Hosted by General Code.

Item 4A Handout S. Reed.



CITY OF
TOPEKA

Brenda Younger, City Clerk M.M.C.
City Hall, 215 SE 7th St., Room 166
Topeka, KS 66603

byounger@topeka.org
Tel: 785-368-3940
www.topeka.org

September 24, 2024

Shirley Reed
500 SW Fillmore Street
Topeka, Kansas, 66606

RE: Private Security Guard License Application Appeal Request

This letter will serve as notification that your request for a hearing on the above referenced matter has been granted. The hearing will be conducted during the **October 1, 2024, Governing Body meeting located at the Cyrus K. Holliday Building First Floor Conference Room, 620 SE Madison Street, Topeka, Kansas. The Governing Body meeting begins promptly at 6:00 p.m.**

Pursuant to Topeka Municipal Code Section 5.90.130(c) you will have the opportunity to appeal to the Governing Body about your case and whether the facts supporting the disapproval or denial of Private Security Guard License pursuant to Topeka Municipal Code Section 5.90.140(a)(3)(iii) is correct.

Should you have any questions about the appeal process, please do not hesitate to contact the City Clerk's Office at (785)368-3941.

Respectfully,

Brenda Younger

Brenda Younger, M.M.C.
City Clerk

Enclosure

Cc: Jamey Haltom, Interim Police Chief
Amanda Stanley, City Attorney

September 23, 2024

City Council

City Clerk's Office

785-368-3940

Dear City Council,

I am writing to explain the incident that occurred in my home on April 6, 2017. I am pleading self-defense in order to retain my private security guard license. I struck the burglar out of fear while protecting myself and my home. I respectfully request a hearing before the city council to discuss this matter.

I have evidence and witnesses who can attest to my statements. I accepted a plea deal at the time to keep my job, not realizing it would later have repercussions.

Can we address this matter as soon as possible so that I may keep my job and continue to serve the community of Topeka.

Thank you for your consideration.

Shirley Reed
500 SW Fillmore St
Topeka, Ks 66606
316-390-0978



Search mail

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Mail

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Chat

Meet

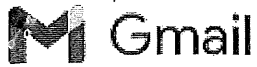
From: Deanna Polly-Faulkner
Sent: Monday, September 23, 2024 1:09 PM
To: mewis@topeka.org
Subject: Shirley Reed

To Whom It May Concern:

I was the agent for Shirley Reed who purchased a renters policy with Shelter Insurance several years ago. I am no longer the agent, and the old records have been put away. Shirley came home one evening and out of fear she hit the person (man) who was the burglar. He changed his story when he was caught but he did go to jail. Shirley had a renters policy. It was a crazy situation with unfortunate consequences for Shirley. If you have any questions, you may contact me on my personal cell phone which is 316-209-7045

Respectfully,

Deanna Polly-Faulkner
 Affiliate Agent
 Tommy Leach Agency LLC
 Shelter Insurance
 1133 S Rock Rd. Ste 3
 Wichita, KS 67207-3300
 316-685-5235 Office
 316-209-7045 Cell



shirley reed <sreed1312@gmail.com>

Referral

1 message

Razia Sultana <raziasultana191101@gmail.com>

Tue, Sep 24, 2024 at 8:57 PM

To: "sreed1312@gmail.com" <sreed1312@gmail.com>

To: The City Council
Topeka Kansas

To, Whom it may Concern

I am writing to highly recommend Shirley Reed , who has been assisting my Mother with daily errands and personal tasks for the past few years,

During this time, Shirley has proven herself to be reliable, compassionate, and extremely trustworthy.

I wholeheartedly recommend Shirley for any similar role.. Please feel free to contact if you have any questions .

Bilquis Fatima
Irving Texas



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 1, 2024

DATE: October 1, 2024
CONTACT PERSON: Dan Warner, AICP, Planning Division Director
DOCUMENT #: PUD24/13
SECOND PARTY/SUBJECT: Mary Thomas, Community Resources Council
PROJECT #:
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 007 Zoning
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Dr. Robert M. Perez amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code on property located at 2303 SW College Avenue by changing the zoning from “R-1” Single Family Dwelling District ALL TO “PUD” Planned Unit Development District to allow R-1 uses and not-for-profit social services subject to conditions of approval. (PUD 24/13) (Council District No. 6)

Voting Option Requirements: (1) Approve Planning Commission's recommendation, 6 votes are required of the Governing Body (2) Reject or Amend Planning Commission's recommendation, 7 votes are required of the Governing Body; or (3) Remand back to Planning Commission, 6 votes are required of the Governing Body.

(Approval will allow the reuse of the former elementary school for non-profit social services as well as their administrative offices.)

VOTING REQUIREMENTS:

Governing Body Voting Options:

1. Approve the Planning Commission's recommendation. A minimum of 6 votes are required of the Governing Body.
2. Amend the Planning Commission's recommendation or refuse to approve the Planning Commission's

recommendation. A minimum of 7 votes are required of the Governing Body.

3. Remand to the Planning Commission for further consideration, with a statement specifying the basis for the Governing Body's failure to approve or disapprove. A minimum of 6 votes are required of the Governing Body.

POLICY ISSUE:

Whether to adopt the Planning Commission's recommendation to rezone the property.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to the adopt the ordinance.

BACKGROUND:

PUD24/13 is a request to amend the current zoning district from "R-1" Single Family Dwelling District to "PUD" Planned Unit Development. The PUD is needed to allow Community Resources Council to reuse the former elementary school a center for not-for-profit social services operations. The school was in use by USD 501 as an elementary school from 1950 to approximately 2022 and the rezoning will not prohibit the building from being used as a school in the future, if needs of the school district change.

The proposed rezoning is consistent with the Land Use & Growth Mangement Plan.

The applicant conducted a neighborhood meeting on August 1, 2024. In addition to planning staff and the applicant, there were seven attendees at the meeting. No one expressed a clear objection to the rezoning.

The Planning Commission conducted a public hearing on September 16, 2024 and recommended APPROVAL of the zoning change by a vote of 8-0-0. Planning staff recommends approval per the attached staff report.

BUDGETARY IMPACT:

Approval of the zoning change will not have an impact on the City's budget.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

Presentation

Staff Report

Planning Commission Minutes of September 16, 2024

Aerial Map

Zoning Map

Floor Plan

Future Land Use Map

Statement of Operations

Neighborhood Meeting Attendance

ORDINANCE NO. _____

ORDINANCE introduced by City Manager Dr. Robert Perez amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code on property located at 2303 SW College Avenue by changing the zoning from “R-1” Single Family Dwelling District ALL TO “PUD” Planned Unit Development District to allow R-1 uses and not-for-profit social service organizations subject to conditions of approval. **(PUD 24/13) (Council District No. 3)**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), be, and the same is hereby amended, by reclassifying the described property:

Block G, Valley Park Subdivision and Lot 23, Valley Park Subdivision Annex #1, City of Topeka, Shawnee County Kansas

FROM “R-1” Single Family Dwelling District TO “PUD” Planned Unit Development District and not-for-profit social service organizations as stated below.

Subject to:

Project Specific Conditions and Review Comments: Conditions and Restrictions stated on the PUD ordinance shall include the following:

1. R-1 land uses are permitted. In addition to R-1 land uses, administrative offices and operations for non-profit social service organizations having a low impact that does not exceed the impact typical for public or private school facilities. Uses may include but are not limited to child day care (day care type II); indoor farmers market; recycling education; health care assistance; religious assembly and related uses; professional training; therapy and counseling; and indoor and outdoor recreation meeting the definition of “indoor/outdoor recreation type I” per the Topeka Zoning Code. An accessory outdoor community garden may be permitted. Additionally, refer to the Exhibit: Statement of Operation: Community Resource Council, Inc.as guidance on allowed uses and operations.
2. The use and dimensional standards applicable to R-1 zoning shall apply except as stated in these conditions.
3. The enclosed storage is allowed that is accessory and incidental to the aforementioned uses.
4. The outside storage of cargo containers, equipment, materials, and inoperable vehicles is prohibited.
5. Signage shall comply with allowed signs for non-residential districts in chapter 18.10.030 of the Topeka Municipal Code and be approved by separate Sign Permit Application.
6. Substantial changes to the operations as described in the Statement of Operations, or a substantial change to the site plan, may require an amendment to the this Planned Unit Development in accordance with the amendment procedures in TMC 18.190.070.
7. Any expansion of the parking areas will require permits and application for permits must include a site plan. Fencing or landscaping will be required where parking areas are immediately adjacent

to neighboring residential property. Existing mature and healthy trees on the property shall be maintained and preserved unless replaced with an equivalency of landscaping based on species, quantity, current size, and size at maturity.

8. The Planning Director may approve a reduction in parking stalls provided an equivalent area in size to accommodate the additional parking is provided on site in the event it is necessary in the future.
9. Maintenance of all outdoor common areas, parking, and landscaping shall be by the property owner(s)
10. CRC shall periodically keep the City Planning Department updated of new tenants and activities to ensure these are consistent with the approved PUD rezoning.

Section 2. This Ordinance shall be recorded with the Shawnee County Register of Deeds in accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the recording of this Ordinance and prior to building permit and/or land development on the site, site development plans as required by this Ordinance shall be submitted for review and administrative approval by the Planning Director.

Section 3. This Ordinance Number shall be fixed upon the "District Map".

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body, City of Topeka, Kansas on _____,
2024.

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified X

EXHIBIT



COMMUNITY RESOURCES COUNCIL

STATEMENT OF OPERATION: Community Resources Council, Inc.

Overview: Community Resources Council “CRC,” for almost a century, has grown significantly but has retained nearly all its founding values and initiatives. In 1925 CRC was formed as an organization that could bridge the divide between local governments and its residents. Since then, CRC has continued to unite community organizations and efforts, ensuring the most efficient and effective use of resources. CRC is entrusted with distributing governmental grants and acts as a voice for advocating on behalf of families in need. The past eleven years, of operating out of the repurposed Avondale East Elementary School, has undoubtedly benefited the Hi-Crest area. The neighborhood is experiencing a 30% decrease in crime, a lower Infant Mortality Rate, and a newfound sense of pride.

Purpose: CRC has always been a resource for social service programming, by partnering with grass roots groups to create not-for-profit charitable organizations, nurturing and guiding them in their work on behalf of community need, keeping true to their mission statement, and fostering growth where needed to sustain new goals in response to the challenges of the community. Part of the growth opportunity is to set up a brick-and-mortar presence where services can be offered directly in neighborhoods and/or to existing social service agencies with the expansion of their presence in the community, again working directly in neighborhoods where they can provide valuable services.

Use and Operations: Administrative offices and operations for non-profit social service and other grant funded organizations having a low impact that does not exceed the impact typical for public or private school facilities. Uses may include but are not limited to child day care (Day Care Center, Type II); indoor farmers market; recycling education; health care assistance; religious assembly and related uses; professional training; therapy and counseling; and indoor and outdoor recreation meeting the definition of “indoor/outdoor recreation type I” per the Topeka Zoning Code. An outdoor community garden may be permitted subject to approval of a Community Garden Permit.

Current Tenant Mix as of August 2024:

Alcoholics Anonymous, Alanon, Dual-Addiction (3 different support groups)

A Parent Break

Community Resources Council

Central Topeka Grocery Oasis Group

Family Life Church of the Nazarene (Campus Outreach)

Full Circle Sustainability

Kansas League of Women Voters

Keep America Beautiful

Remnant Church

Topeka Dula

Topeka Symphony

Future Tenants:

Apple Seeds Pre-School and Child Care

Community Resources Council, Computer Lab

GUIDELINES:

(a) Land Use Compatibility: The change of use is compatible and, will complement, existing surrounding land uses in the neighborhood.

(1) Development: There is no intention to change the footprint of the building. No expansions are planned outside the confines of the existing building and parking areas

(2) Height and Floor Area: SAME AS ABOVE

(3) Setbacks: The existing building setbacks are not affected by the change in use.

(4) Building Coverage: SAME AS ABOVE

(b) Site Development:

(1) Parking and Internal Circulation: The existing parking and circulation on-site will not be affected by the change in use. Adequate space is left on site in the event parking becomes necessary in the future.

Circulation:

(2) Stormwater; There will not be a net increase in impervious surface beyond the existing building footprint. The site is located in FEMA floodway Zone AE.

(3) Building Design: There are no proposed changes to the existing design.

(c) Operating Characteristics:

(1) Traffic Capacity: The proposed use of the building as a CRC CARE Center, (Care, Advocate, Research, & Educate), will reduce the daily traffic and open up College Ave. from a designated one-way street Monday through Friday during school hours, to usual traffic use.

(2) External Traffic: Daily traffic use has improved from previous building use.

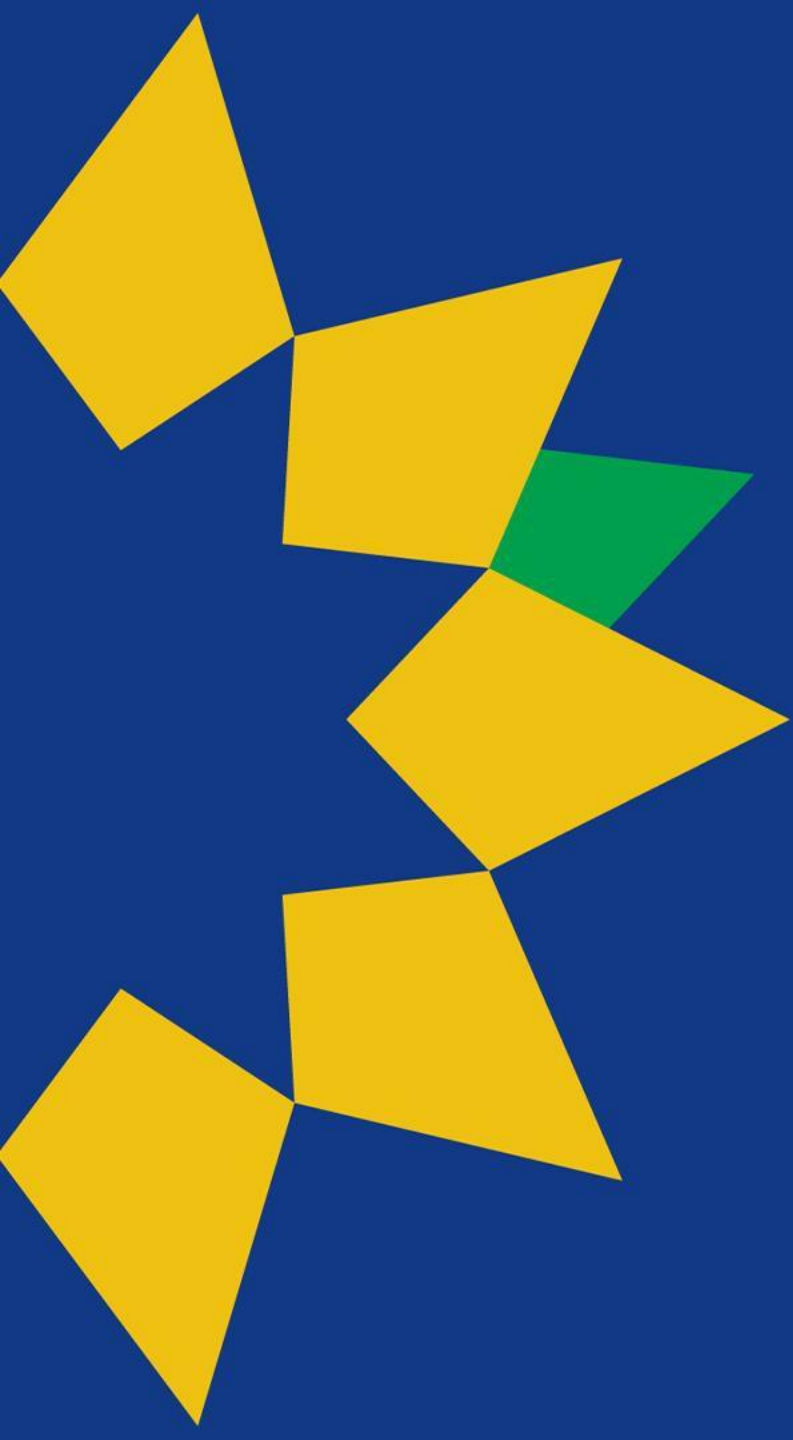
(3) External Effects: CRC expects to have day, evening, weekend events, and educational opportunities from time to time as requested by the Neighborhood Improvement Association, building tenants, and social service agencies, such as Shawnee County Health Agency.

(4) Outside Storage: There is no outside storage. However, in the future a community garden could require a shed for tools and supplies.

In Partnership:

Mary Thomas

Mary Thomas,
CEO/Executive Director
Community Resources Council

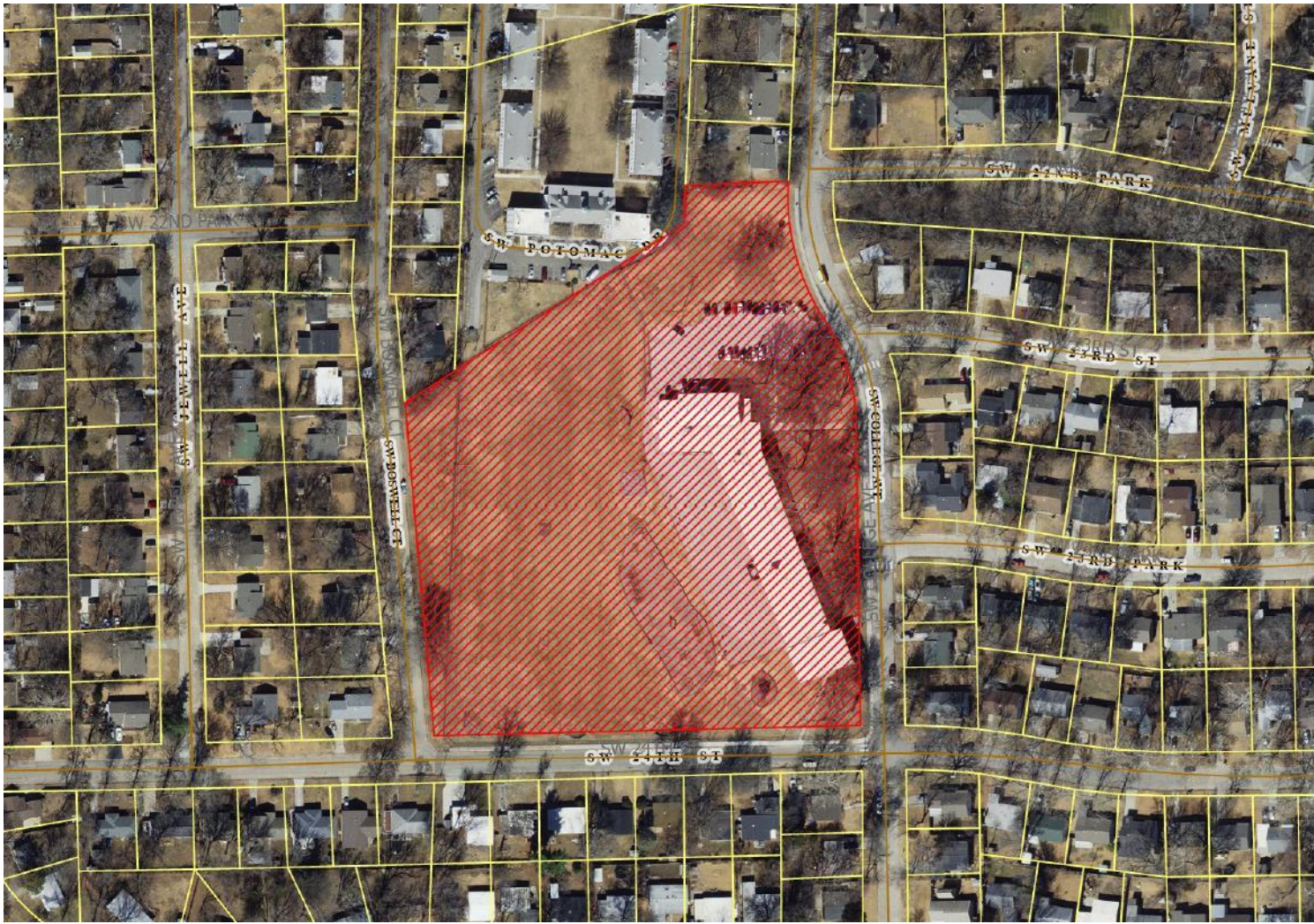


**CITY OF
TOPEKA**



**PUD24/13 Community
Resource
Council**

PUD24/13 Community Resource Council



**STAFF REPORT – PLANNED UNIT DEVELOPMENT
TOPEKA PLANNING AND DEVELOPMENT DEPARTMENT**

PLANNING COMMISSION DATE: September 16, 2024

**APPLICATION
INFORMATION**

**APPLICATION CASE
NUMBER/NAME:**

PUD24/13 – Community Resources Council (former Stout Elementary)

**REQUESTED ACTION /
CURRENT ZONING:**

Rezone the property from “R-1” Single Family Dwelling District to “PUD” Planned Unit Development to accommodate R-1 uses plus the addition of administrative offices and operations for non-profit social service organizations. Uses may include but are not limited to child day care (day care type II); indoor farmers market; recycling education; health care assistance; religious assembly and related uses; professional training; therapy and counseling; and indoor and outdoor recreation meeting the definition of “indoor/outdoor recreation type I” per the Topeka Zoning Code.

Per Topeka Municipal Code (TMC) 18.190.050, a PUD typically requires the applicant submit a PUD Master Plan. A Master Plan is not required in this case because the conditions and restrictions of the PUD can be adequately included in the Ordinance reclassifying the property.

PROPERTY OWNER:

Unified School District #501

APPLICANT REPRESENTATIVE:

Mary Thomas, Community Resources Council

CASE PLANNER:

Ann-Marie Driver, AICP, Planner II

PROPERTY ADDRESS:

2303 SW College Avenue

PARCEL SIZE(S):

8.2 acres

PHOTOS:

PHOTO: CRC / Stout Elementary School Building taken from College.





PHOTO: Taken looking toward Mount Vernon Apartments on the north from Collage



PHOTO: Taken looking north from SW 24th Street./ College



RECOMMENDATION: Staff recommends APPROVAL subject to conditions of approval outlined in the Conditions of Approval and applicant’s statement of operations.

RECOMMENDED MOTION: Motion to APPROVE the rezoning of the subject property from “R-1” Single Family Dwelling District ALL TO “PUD” Planned Unit Development District to accommodate R-1 uses plus the addition of administrative offices and operations for non-profit social service organizations including but not limited to the uses described in the attached Statement of Operations.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY: Since 2023, Community Resource Council (CRC) has been using the former Stout Elementary School building for their administrative office for non-profit social service organizations . Planning staff became aware of it in late 2023 and contacted the owner to address the zoning and land use issue. CRC intends to continue operation of these non-profit social service organizations which have a low impact not exceeding the impact typical for public or private school facilities. Uses may include but are not limited to child day care (day care type II); indoor farmers market; recycling education; health care assistance; religious assembly and related uses; professional training; therapy and counseling; and indoor and outdoor recreation meeting the definition of “indoor/outdoor recreation type I” per the Topeka Zoning Code.

Stout Elementary School was constructed and used as a school by Topeka Unified School District from 1955 to 2022. USD 501 will maintain ownership and is leasing the facility to CRC to operate a community resource center that will serve the surrounding neighborhoods and provide a suitable adaptive re-use for the former school. However, the proposed rezoning does not prohibit the building and facilities from being operated as a school in the future if needs of the school district change.

Rezoning as a PUD allows greater flexibility to the applicant to retrofit the school for a suitable use. While some land uses within higher intensity zoning designations may be compatible with low density residential surroundings, others are not and the PUD provides both flexibility to re-use the school building while also limiting uses that may not be compatible with the surrounding neighborhood.

DEVELOPMENT / CASE HISTORY: The property was annexed into the City of Topeka in 1940, and has been zoned for single family dwellings since the time of its annexation and has been used until recently as an elementary school.

ZONING AND CHARACTER OF SURROUNDING PROPERTIES: The zoning of surrounding property is entirely R-1 / R-2 Single Family Dwelling District and M-2 Multiple Family Dwelling District. The neighborhood is characterized by single family dwellings with multiple family dwelling buildings bordering the neighborhood’s north boundary

along SW 21st Street, abutting Washburn University, which function as a transitional zoning district into the single family neighborhood.

**COMPLIANCE WITH
DEVELOPMENT STANDARDS AND
GUIDELINES**

**USE STANDARDS AND
DIMENSIONAL STANDARDS:**

City of Topeka R-1 use, density, and dimensional standards will apply except as noted in the conditions of this PUD.

The proposed uses are nonresidential, so the use of a PUD provides a way to allow for this property to operate as suggested without the risk of future development into a potentially incompatible office, institutional land use, or other multiple family residential land use.

PARKING AND ACCESS:

Off-street parking requirements are determined by land use and not the zoning classification. (TMC 18.240). TMC18.240.030(g) allows the Planning Department discretion to determine the land use and required parking if the uses are not specifically stated in the code. The most comparable land use category appears to be “community center” in which case the parking standard is 1 space per 300 sf. Per the County Appraiser, the building, not including corridors and restrooms, is 25,367 square feet, therefore:

25,367 / 300sf	
Total – parking required:	<u>85</u>
ADA parking stalls:	1 / 25 standard stalls
Parking provided:	30 striped stalls

Per TMC 18.240.020, the Planning Director may reduce the parking required by 25% if there is sufficient space on site equivalent to the area of the reduction. There is a paved, unstriped area to the west of the school building and a large unused school yard that could be used for parking if needed in the future to accommodate any overflow from events not currently anticipated. Applying the 25% reduction, 64 stalls are required leaving deficit of 34 stalls. CRC has expressed their intent to not rely on on-street parking and, to date, CRC and City staff have not received complaints about insufficient parking. It is staff’s opinion that parking demand is substantially less than 1 space per 300 sf. Therefore, staff is recommending no additional off-street parking be required at this time. If additional parking is needed, the owner and applicant may use areas west of the school building for parking.

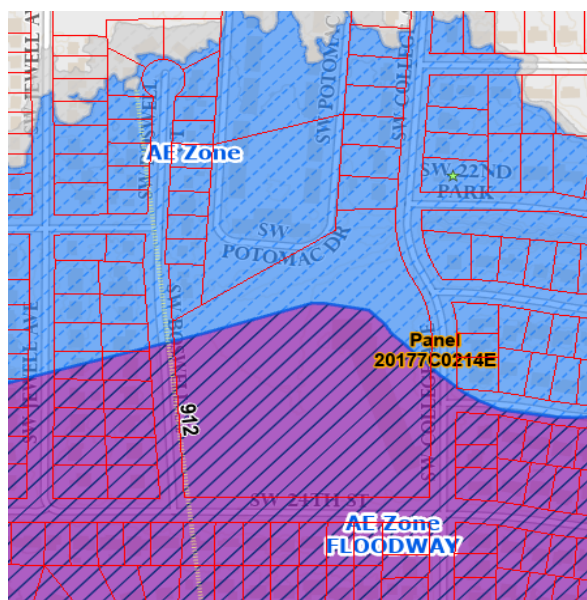
DESIGN STANDARDS:

N/A (No substantial exterior changes to the building are proposed.)

- LANDSCAPING:** Landscaping requirements may be required in the future if new parking areas abut residential uses.
- SIGNAGE:** Signage will be required to comply with the Sign Code (TMC18.10) as applied to nonresidential uses in R-1 zoning districts.
- LIGHTING & SOUND:** Any exterior lighting installations shall not have a negative impact on traffic safety or the surrounding properties. Any new outdoor lighting on the building or within the parking lots shall not exceed a level of 3 foot-candles at the property line.
- VARIANCES REQUESTED:** The Planning Director is authorized to approve a reduction in parking stalls provided an equal area is provided on site in the event additional off-street parking is necessary in the future. Approval of the proposed zoning as recommend will reflect the 25% reduction and a variance of 34 parking stalls.

OTHER FACTORS

- SUBDIVISION PLAT:** The subject property is platted as Block G, Valley Park Subdivision and Lot 23, Valley Park Subdivision Annex #1. A replat may be required if future building and/or site improvements are planned prior to the issuance of Building Permits.
- UTILITIES:** Public sanitary sewer and water connections are readily available with all connections being at the expense of the developer.
- FLOOD HAZARDS, STREAM BUFFERS:** The subject property is located within Zone AE Floodway Panel Map 20177C0214E. Future development in the flood way may require a Hydrological analysis and Permit from the Division of Water Resources showing “no-rise” to base flood elevations downstream of the current site.



HISTORIC PROPERTIES:	None
NEIGHBORHOOD PLAN:	Located in the Valley Park neighborhood and is subject to the 2021 Valley Park Neighborhood Plan. The neighborhood plan's Future Land Use Map designates the subject property as " <i>Institutional</i> ."
NEIGHBORHOOD INFORMATION MEETING:	<p>The applicant conducted a Neighborhood Information meeting at the school building on August 1st. There were seven attendees at the meeting in addition to Planning staff, Mike Hall and Ann-Marie Driver and the applicant representative, Mary Thomas, CRC Director.</p> <p>Topics discussed included the nature and impacts of the PUD designation, specifically the following: 1) Uses that will be provided upon approval of the rezoning, 2) Uses that will not be permitted with the rezoning, 3) How this is a compatible use with the neighborhood and an appropriate use for the former school, 4) Questions about the impact of the FEMA floodway designation on the property, 5) Security questions in general and how access to and from the building will be controlled, and 5) Future planned uses, including re-use of the school yards, which may be used as a community garden in the future. None of the attendees expressed a clear opposition to the zoning change.</p>

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

Public Works /Engineering:	No issues identified regarding traffic or engineering.
Water Pollution Control:	No issues identified regarding rezoning.
Fire Department:	No issues identified regarding rezoning. Future improvement plans will be reviewed with Building Permit submittal.
Development Services:	No issues identified regarding rezoning.

KEY DATES

SUBMITTAL:	July 17, 2024
NEIGHBORHOOD INFORMATION MEETING	August 1, 2024
LEGAL NOTICE PUBLICATION:	August 21, 2024

STAFF ANALYSIS

Planning staff have reviewed the zoning application relative to the required findings and conclusions in Topeka Municipal Code Section 18.245 (Findings and conclusions reflect the “golden factors” per Donald Golden v. City of Overland Park, 1978 Kansas Supreme Court) as is required for applications for rezoning.

CHARACTER OF THE NEIGHBORHOOD: The Valley Park neighborhood developed in the traditional neighborhood manner with the school/park originally laid out at the center of the neighborhood. The character of the neighborhood is comprised of single family single family dwellings, approximately 1000 – 1300 sf in gross floor area, excluding the attached garage, and constructed during the 1950s in the post – WWII postmodernism style. Single family residences face the school property and the adjacent school yard acts as a neighborhood park lying at the center of the neighborhood. The Shunga Creek FEMA- designated floodway traverses the neighborhood on the south edge of the neighborhood’s boundary and is a popular trail for joggers, bikers, and pedestrians. The northern boundary of the neighborhood is considered a transitional area into the university campus as the majority of the properties contain multiple family dwellings and apartments fronting upon SW 21st Street. The interior of the neighborhood contains single family dwellings. A small neighborhood commercial nodal area is located at corner Randolph and 21st Street.

ZONING AND USE OF NEARBY PROPERTIES: The surrounding zoning on the south, east and west is “R-1” Single Family Dwelling District and contains single family detached dwellings. The property to the north contains a two-story garden apartment complex constructed in 1946 and is zoned “M-2” Multiple Family Dwelling District. The proposed rezoning does not substantially change the character of the property and thus is compatible with the surrounding zoning and land uses

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION: The subject property received its current zoning designation when it was annexed into the City in 1940 and was used by Unified School District 501 from approximately 1955 to 2022 until closed by the school district. The property has been zoned for single family residential land uses since annexed. USD 501 will continue to maintain ownership of the building and property.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED: Given that the property has been used exclusively for institutional or nonresidential land uses since its initial development, the current zoning restrictions are not ideal for the future use of the property. Redevelopment of the site for residential use under the current R-1 zoning is probably economically infeasible or difficult for other reasons (i.e. flood way, adaptability of the existing housing stock). It is also unlikely that another school or religious institution will have the capacity to use the entire school building on the site. The proposed use allowing several different community organizations to locate within the same building is an ideal adaptive re-use of the former school and will ensure the school is maintained, not creating an eyesore for the neighborhood, if left vacant and abandoned as has occurred with many other schools throughout the City of Topeka.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The proposed rezoning is consistent with the policies of the comprehensive plan. The subject property is located in the Valley Park neighborhood and the Future Land Use Map designates the subject property as “Institutional” in the neighborhood plan. The PUD zoning will allow the existing site and building to be adapted for an institutional use with restrictions and ensure compatibility with surrounding land uses. The proposed use will retrofit the former school building and, further, promotes guiding principles of the Valley Park plan by providing a community and neighborhood civic space. The PUD rezoning places restrictions on any other residential adaptive use of the former school building as the plan does not encourage expansion of multiple

family residential uses into the interior of the neighborhood, other than as transitional uses/zoning along the south side of SW 21st Street as a transitional zoning district to the university campus.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Use of the subject property as proposed is not expected to generate any substantial detrimental effect upon the nearby properties. The proposed land use is of equal or lesser intensity than the former school and in many ways, such as traffic intensity, has a much lesser impact on the surrounding properties. There are no exterior changes proposed to the building or parking that will have a negative impact on adjacent property as the reuse of the school building for a community resource center ensures it will remain owned and maintained by a local property owner who has the incentive to maintain occupancy of the school. The conditions and restrictions of the PUD zoning help to ensure a harmonious coexistence with the surrounding neighborhood.

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: The neighborhood and greater community at-large will stand to gain from the services being provided by applicant. Further, denial of the application would not provide any apparent gain to the public health, safety, and welfare while simultaneously denying the property owner their right to use their property in a manner that is similar to the land use previously occupying the site.

AVAILABILITY OF PUBLIC SERVICES: All essential public roadways, utilities, and services are currently present and available within the area or will be extended with all connections or extensions being at the expense of the developer.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS: Development under the proposed zoning will require compliance with the conditions detailed in the staff's report and as proposed in the draft ordinance, as well as "R-1" Single Family Dwelling District zoning, land use, and dimensional standards. A plat may be required if deemed necessary by the Planning and Public Works Director at time of future development of the subject property. Minor or Major amendments to the PUD ordinance require approval in accordance with the Planned Unit Development section of the comprehensive zoning regulations of the Topeka Municipal Code.

STAFF RECOMMENDATION

Based upon the above findings and analysis, Planning staff recommend **APPROVAL** of the proposed zoning, subject to the following conditions, which are to be included in the ordinance adopted by the Governing Body:

Project Specific Conditions and Review Comments: Conditions and Restrictions stated on the PUD ordinance shall include the following:

1. R-1 land uses are permitted. In addition to R-1 land uses, administrative offices and operations for non-profit social service organizations having a low impact that does not exceed the impact typical for public or private school facilities. Uses may include but are not limited to child day care (day care type II); indoor farmers market; recycling education; health care assistance; religious assembly and related uses; professional training; therapy and counseling; and indoor and outdoor recreation meeting the definition of "indoor/outdoor recreation type I" per the Topeka Zoning Code. An accessory outdoor community garden may be permitted. Additionally, refer to the Exhibit: Statement of Operation: Community Resource Council, Inc. as guidance on allowed uses and operations.
2. The use and dimensional standards applicable to R-1 zoning shall apply except as stated in these conditions.
3. The enclosed storage is allowed that is accessory and incidental to the aforementioned uses.
4. The outside storage of cargo containers, equipment, materials, and inoperable vehicles is prohibited.

5. Signage shall comply with allowed signs for non-residential districts in chapter 18.10.030 of the Topeka Municipal Code and be approved by separate Sign Permit Application.
6. Substantial changes to the operations as described in the Statement of Operations, or a substantial change to the site plan, may require an amendment to the this Planned Unit Development in accordance with the amendment procedures in TMC 18.190.070.
7. Any expansion of the parking areas will require permits and application for permits must include a site plan. Fencing or landscaping will be required where parking areas are immediately adjacent to neighboring residential property. Existing mature and healthy trees on the property shall be maintained and preserved unless replaced with an equivalency of landscaping based on species, quantity, current size, and size at maturity.
8. The Planning Director may approve a reduction in parking stalls provided an equivalent area is provided on site in the event additional off-street parking is necessary in the future.
9. Maintenance of all outdoor common areas, parking, and landscaping shall be by the property owner(s)
10. CRC shall periodically keep the City Planning Department updated of new tenants and activities to ensure these are consistent with the approved PUD rezoning.

PLANNING COMMISSION MOTION: Based on the findings and analysis in the staff report, I move to recommend to the Governing Body **APPROVAL** of the rezoning from “R-1” Single Family Dwelling District to “PUD” Planned Unit Development with an “R-1” use group to accommodate R-1 uses plus the addition of administrative offices and operations for non-profit social service organizations including but not limited to the uses as requested and described in the attached Statement of Operations.

ATTACHMENTS:

Aerial Map
Zoning Map
Future Land Use Map
Neighborhood Information Meeting Attendance and Summary
Draft Ordinance
Statement of Operations



CITY OF
TOPEKA

TOPEKA PLANNING COMMISSION

Monday, September 16, 2024

CASE MINUTES

Members present: Willie Brooks, Corey Dehn, Jennifer Hannon, Del-Metrius Herron, Jim Kaup, William Naeger, and Donna Rae Pearson, and Jim Tobaben (8)

Members Absent: Katy Nelson (1)

Staff Present: Rhiannon Friedman, Planning & Development Director; Michael Hall, Land Use Manager; Ann-Marie Driver, Planner; Paul Turner, Planner; Amanda Tituana-Feijoo, Administrative Officer; Matthew Mullen, Legal

PUD24/13 by Community Resources Council requesting to amend the District Zoning Map on approximately 8.2 acres at 2303 SW College Avenue (former Stout Elementary School) from “R-1” Single Family Dwelling District all to “PUD” Planned Unit Development to allow use of the property for a Community Center: Daycare Facility, Type II; Education; Farmers Market; Religious Assembly; and other uses.

Staff:

Ann-Marie Driver presented the staff report and staff's recommendations of approval.

Questions/Comments from Commissioners:

Mr. Kaup asked about the allotted parking spaces. Ms. Driver stated that there was an area to the west of the play yard that could be striped for more parking in the future. Ms. Driver also stated that she has driven by the area several times, and there does not appear to be a parking problem.

Mr. Brooks asked for clarification as to whether USD 501 still owned the property, and why education was not included in the list of uses. Ms. Driver stated that public and private schools are already allowed in “R-1” zones, and that is why it was not listed in the PUD.

Mr. Naeger stated that the neighborhood has had past flooding issues, and asked if there were any worries about flooding. Ms. Driver stated that there would be no changes to the exterior of the building.

Mr. Naeger asked if the owner of the property was better suited to know the amount of parking spaces they need versus a government mandated number. Ms. Driver stated that city staff thought that if there is a need for more parking, this could be accommodated by striping some of the paved area west of the building. Ms. Driver also stated that because this property is within the flood way, any changes to the site or building would require a “No Rise Certificate” from the Division of Water Resources.

Owner Representative:

Mary Thomas, Community Resource Council

Ms. Thomas stated that this is building number three for Community Resource Council. 501 continues to own the school, and Community Resource Council has the master lease with the understanding of leasing to non-for-profit agencies only. There is quite a mix, there is no better label for a “mixed use” property.

Mr. Kaup asked if CRC was comfortable with the 10 conditions that were set in the conditional use permit. Ms. Thomas stated that they are quite comfortable with those conditions as they have worked with staff on them.

Ms. Pearson **opened the hearing up for public comment.**

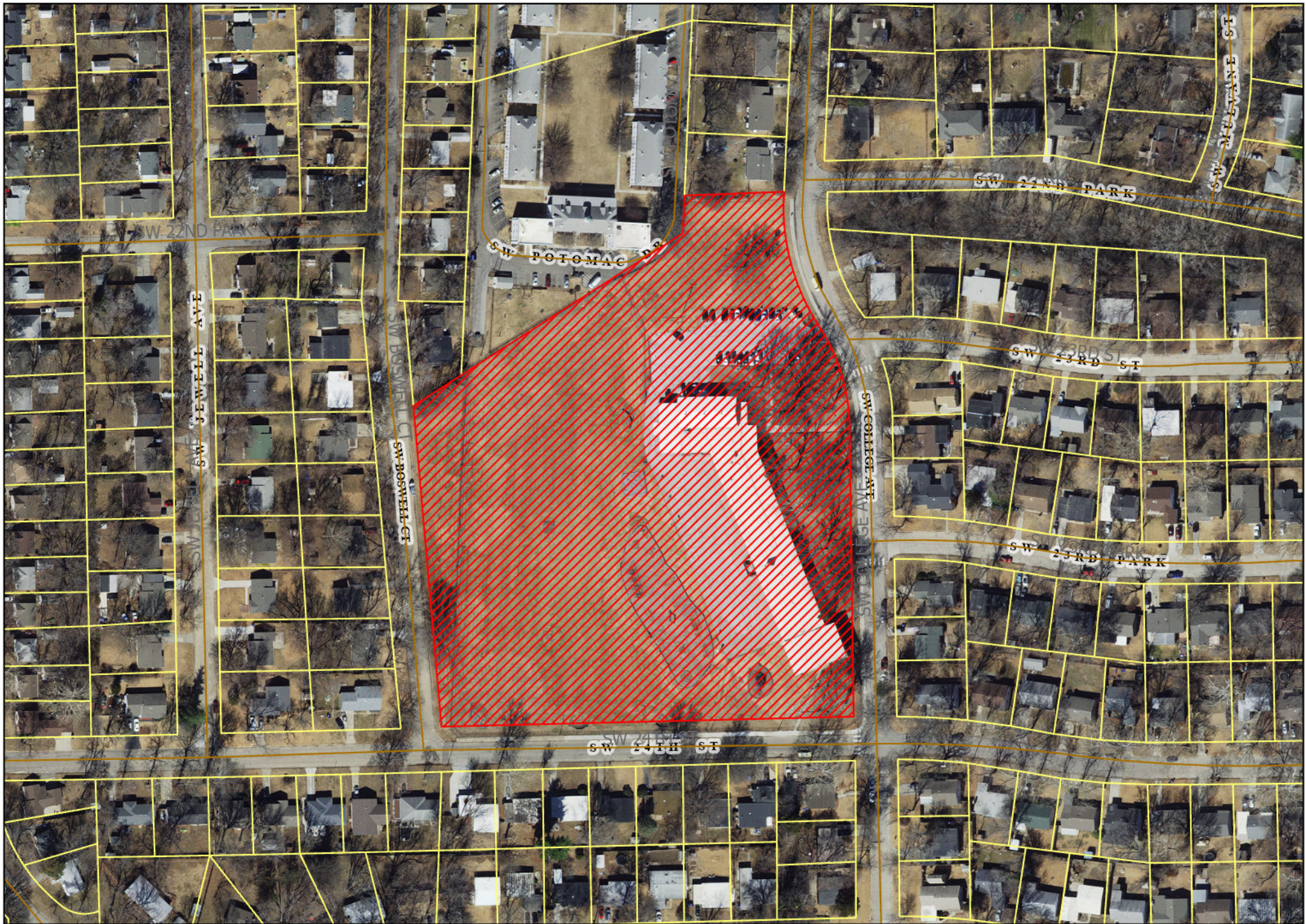
Doug Mays, 5053 SW 23rd St., wondered what would happen when the school closed. Mr. Mays thinks this is a good use for the property, although he is concerned what could happen in the future. Mr. Mays stated there are some plans to do some flood prevention type things downstream.

Ms. Thomas stated she has been assured by 501 that they will always want to own the building, and there is no intention to sell that acreage.

With no one else coming forward, **the public hearing was closed.**

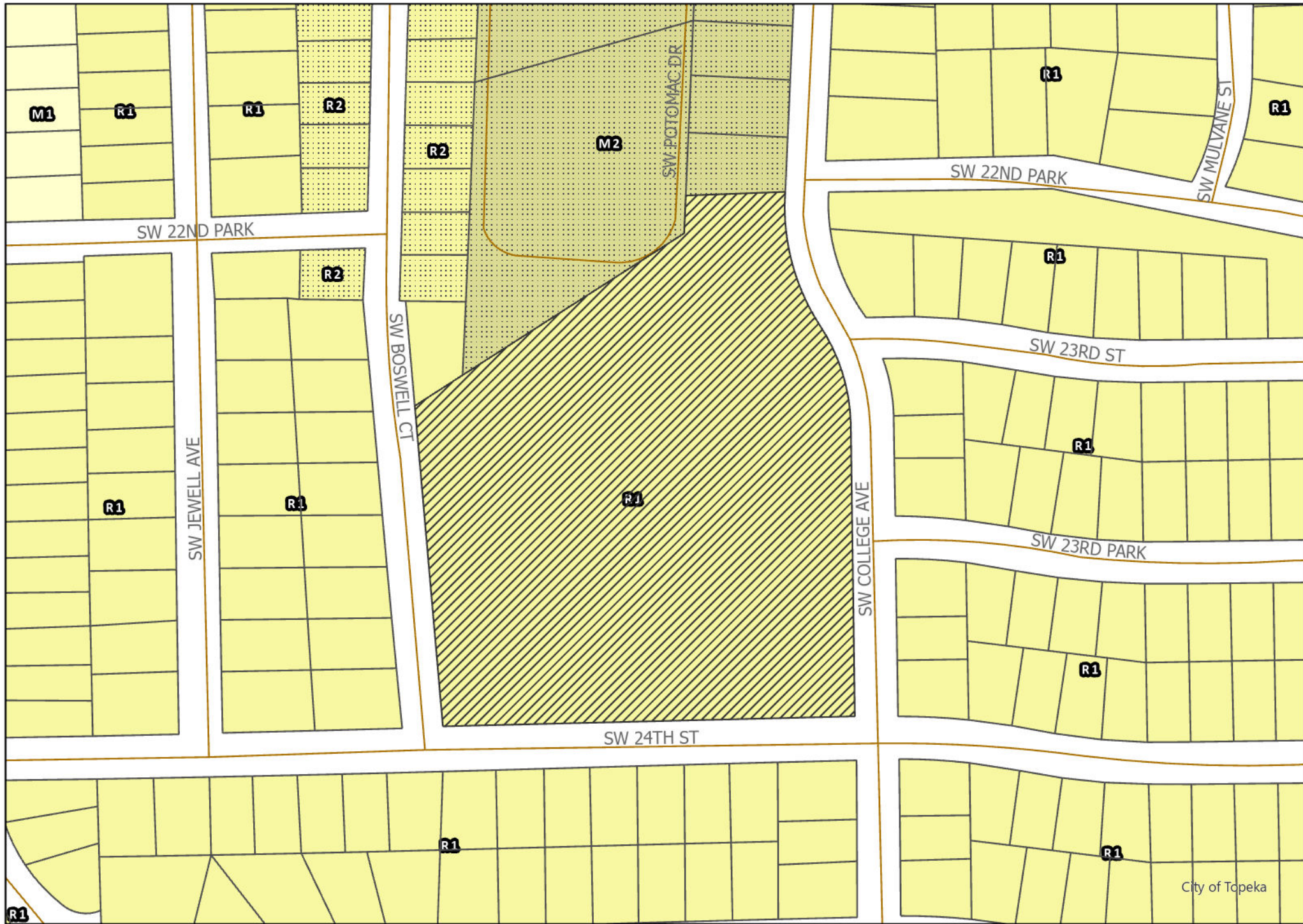
Discussion by Commissioners: NA

Motion by Commissioner Dehn, **second** by Commissioner Tobaban to approve the rezoning of the subject property from "R-1" Single Family Dwelling District all to "PUD" Planned Unit Development District to accommodate "R-1" uses plus the addition of administrative offices and operations for non-profit social service organizations including but not limited to the uses described in the statement of operations. **Approved 8-0-0**



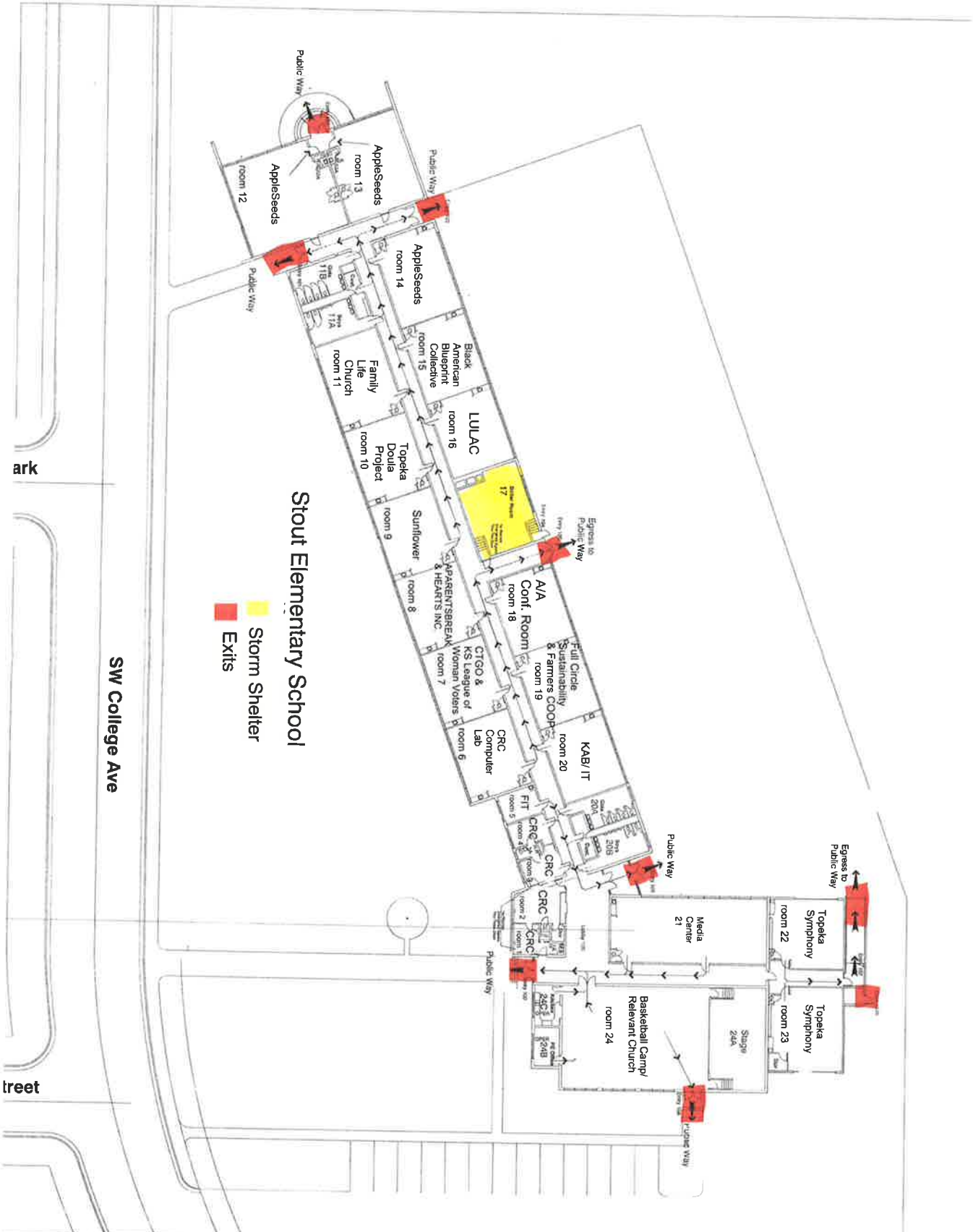
PUD24/13 By: Community Resource Center / Stout Elementary





PUD24/13 By: Community Resource Center / Stout Elementary







PUD24/13 By: Community Resource Center / Stout Elementary
Valley Park Neighborhood Plan (2021)





COMMUNITY RESOURCES COUNCIL

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COMMUNITY RESOURCES COUNCIL

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Remnant Church

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Topeka Symphony

Future Tenants:

Apple Seeds Pre-School and Child Care

Community Resources Council, Computer Lab

GUIDELINES:

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- (2) Height and Floor Area: SAME AS ABOVE
- (3) Setbacks: The existing building setbacks are not affected by the change in use.
- (4) Building Coverage: SAME AS ABOVE
- (b) Site Development:
- (1) Parking and Internal Circulation: The existing parking and circulation on-site will not be affected by the change in use. Adequate space is left on site in the event parking becomes necessary in the future.



COMMUNITY RESOURCES COUNCIL

- (2) Stormwater; There will not be a net increase in impervious surface beyond the existing building footprint. The site is located in FEMA floodway Zone AE.
- (3) Building Design: There are no proposed changes to the existing design.
- (c) Operating Characteristics:
- (1) Traffic Capacity: The proposed use of the building as a CRC CARE Center, (Care, Advocate, Research, & Educate), will reduce the daily traffic and open up College Ave. from a designated one-way street Monday through Friday during school hours, to usual traffic use.
- (2) External Traffic: Daily traffic use has improved from previous building use.
- (3) External Effects: CRC expects to have day, evening, weekend events, and educational opportunities from time to time as requested by the Neighborhood Improvement Association, building tenants, and social service agencies, such as Shawnee County Health Agency.
- (4) Outside Storage: There is no outside storage. However, in the future a community garden could require a shed for tools and supplies.

In Partnership:

Mary Thomas

Mary Thomas,
CEO/Executive Director
Community Resources Council

Start / CRC Neighborhood Meeting

2/10/24 6pm

staff: Ann-Marie Driver - City of Topeka
785-368-3010

MIKE HALL

368-3008 mghall@topeka.org

City of Topeka.

Attendees:

Malinda Lorejoy 785-224-9357
Honeyissweeter@yahoo.com

Tammy Sund T3stangs@yahoo 785-554-8306

Kristi Reed mjreed1@sbcglobal.net 785-224-1223

April Newhouse adnewhouse@vln.com 785-207-5904

Belinda Wasser bwasser1701@gmail.com 785-221-6563

Devin Lampen dlampeneagle@gmail.com 785-559-8566



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 1, 2024

DATE: October 1, 2024
CONTACT PERSON: Braxton Copley, Assistant City Manager
DOCUMENT #:
SECOND PARTY/SUBJECT: Adjustment of access control to the Final Plat of the Community Plaza Subdivision
PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Dr. Robert M. Perez recommending approval of an adjustment of access control to the Final Plat of the Community Plaza Subdivision. (*The Public Infrastructure Committee recommended approval on September 17, 2024.*)

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(*Approval would adjust the access control to the Final Plat of the Community Plaza Subdivision addressing the flow of traffic to the Club Car Wash and Dollar Tree on SE California Avenue at approximately SE 26th Street.*)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to approve the adjustment of access control to the Final Plat of the Community Plaza Subdivision.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The Public Infrastructure Committee has recommended approval by a vote of 2-0-0 on September 17, 2024 to

close the current access opening, and creating two new access openings, improving the inflow and outflow of traffic to the Club Car Wash and Dollar Tree on SE California Avenue at approximately SE 26th Street.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

Description

Resolution & Exhibit A

Public Infrastructure Committee Report (September 17, 2024)

Public Infrastructure Committee Meeting Minutes (September 17, 2024)

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by City Manager Dr. Robert M. Perez recommending
4 approval of an adjustment to access control to the Final Plat of the
5 Community Plaza Subdivision.
6

7 WHEREAS, Final Plat Community Subdivision is recorded with the Shawnee County
8 Register of Deeds in Book 28, Page 95, re-recorded in Book 28, Page 100, re-recorded on
9 Book 28, Page 130 and re-platted in Final Plat Community Subdivision No. 4 in Book 54,
10 Page 89 to include access control to the lots to the tract of land; and

11 WHEREAS, the City finds that closing the current access opening and creating two
12 new access opening will improve the inflow and outflow of traffic to the property; and

13 WHEREAS, the Public Infrastructure Committee has recommended approval of
14 closing the current access opening and creating two new access openings as set forth
15 below and as attached as Exhibit "A".

16 NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE
17 CITY OF TOPEKA, KANSAS, that the access opening for South 20 feet of Lot 11, Lot 12,
18 Lot 13, Lot 14 as depicted on the Community Plaza Subdivision is closed and an access
19 opening is created beginning at the Southwest corner of Lot 14; thence North along the
20 West line of Lot 14, 40 feet to the point of termination, and access opening for Lot 1 and Lot
21 2 as depicted on the Community Plaza Subdivision Number 4 is closed and access
22 opening is created commencing at the Northwest corner of Lot 2; thence South on the West
23 line of Lot 2, 95 feet to the point of beginning; thence continuing South on said West line,
24 40.00 feet to the point of termination. A copy of this Resolution shall be recorded with the
25 Register of Deeds.
26

27 ADOPTED and APPROVED by the Governing Body on _____.

28 CITY OF TOPEKA, KANSAS

29

30

31

32

Michael A. Padilla, Mayor

33 ATTEST:

34

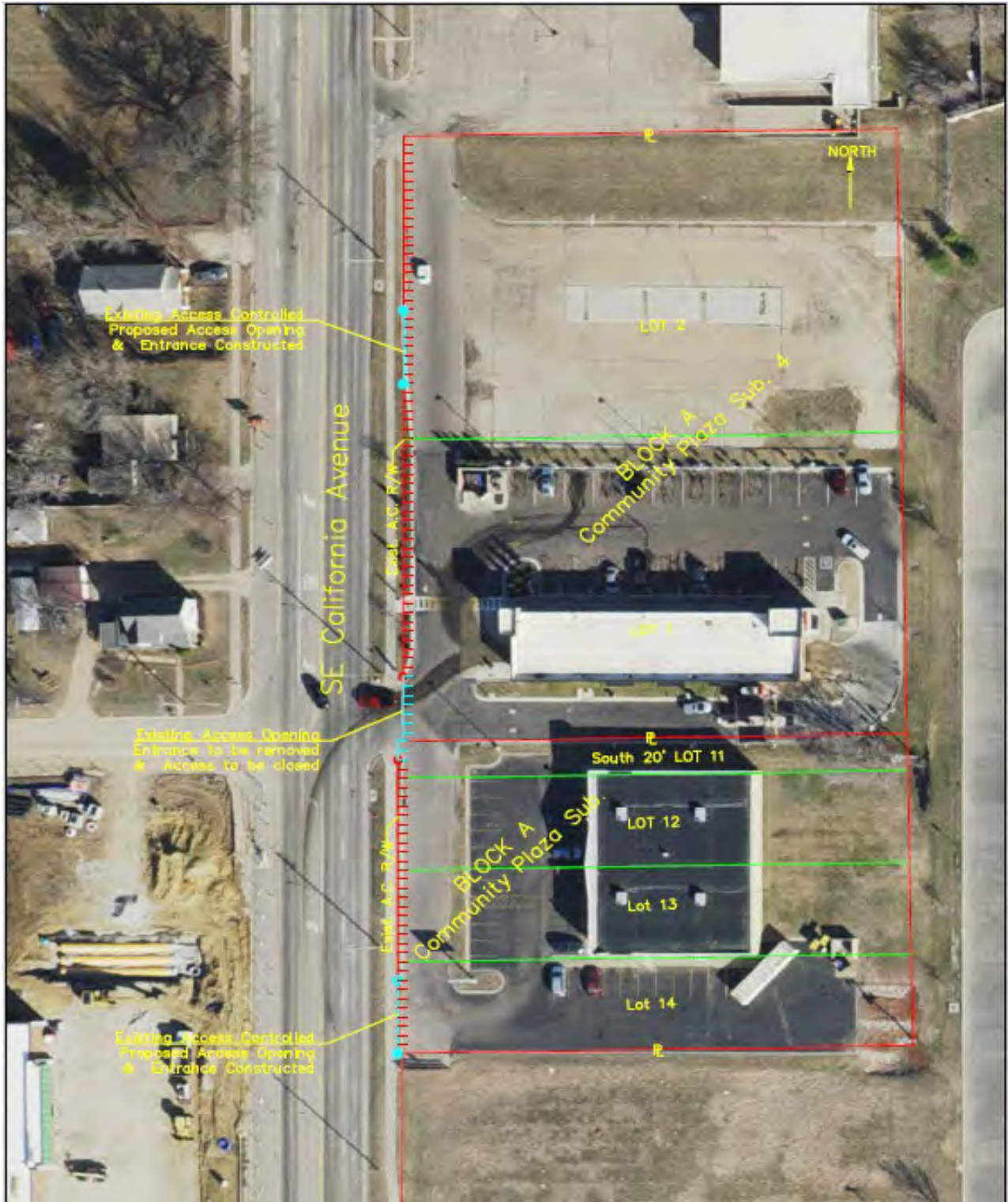
35

36

37

38 _____
Brenda Younger, City Clerk

Exhibit "A"



COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

**Name of
Committee:**

Public Infrastructure

Title:

RESOLUTION - Adjustment to access control to the Final Plat of the Community Plaza Subdivision.

**Date referred
from Council
meeting:**

**Date referred
from
Committee:**

September 17, 2024

**Committee
Action:**

MOTION: Committee member Dobler made a motion to approve the Resolution and for it to move forward to the Governing Body. Chairwoman Ortiz seconded. Motion approved 2-0-0.

Comments:

Amendments:

**Members of
Committee:**

Councilmembers Sylvia Ortiz (Chair), Neil Dobler. Absent David Banks

**Agenda Date
Requested:**

October 1, 2024



CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

PUBLIC INFRASTRUCTURE COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
Fax: 785-368-3958
www.topeka.org

Date: September 17, 2024

Time: 11:00 a.m.

Location: 1st Floor Conference Room; Cyrus K. Holliday Building 620 SE Madison
(*virtual attendance option also available*)

Committee members present: Council members Sylvia Ortiz (Chair) and Neil Dobler. David Banks was absent.

City staff present: Assistant City Manager Braxton Copley, Senior Attorney Brandy Roy-Bachman, Utilities Director Sylvia Davis, Planning and Development Services Director Rhiannon Friedman, Public Works Deputy Director Jason Tryon, Budget Manager Josh McAnarney, Todd Workman, Amanda Knowland, Mark Schreiner, Dalton Beightel. Virtual: Nicole Malott

Call to Order

Chairwoman Ortiz called the meeting to order at 11:05 am. Committee members introduced themselves.

Approval of August 22, 2024 Special Meeting Minutes

Committee member Dobler made a motion to approve the August 22, 2024 meeting minutes. Chairwoman Ortiz seconded. Motion approved 2-0-0.

Club Car Wash and Dollar Tree -Project No. 601137.01- Resolution

- Adjustment to access control to the Final Plat of the Community Plaza Subdivision

Braxton Copley, Assistant City Manager, stated there is a concern with the traffic flow into the Club Carwash 2524 SE California Ave. There is concern with a significant number of car accidents. The City of Topeka has approached the owners of Dollar Tree and Club Carwash to propose a solution to include closing the current access opening and creating two new access openings that will improve the inflow and outflow of traffic to the property, added storage, and adding traffic safety. Currently, in the plat on California Avenue this section is restricted to be able to remove access. He stated that the resolution is needed to close off access to the existing location and be able to create a new access at the north and south ends into Dollar Tree and Club Carwash.

Copley added that there is a companion case through Shawnee County for the condemnation. There has been no response from owners of Dollar Tree to sign the access restriction documents. The Club Carwash owners requested ten thousand. He added the City will be spending \$130,000 to complete the project and be give Dollar Tree and Club Carwash a new driveway access; therefore, the City did not believe the compensation was a fair request.

Chairwoman Ortiz expressed her concern for this area and supports the new in and out access. She asked for clarification on the name of the business and passed on her concern on the in and out access. Copley confirmed that the name of business is Dollar Tree. The frontage road will be closed off. There will be access to make a right hand turn into Dollar Tree. There will be no medians on California Avenue.

Committee member Neil Dobler asked for to confirm who is paying for the project. Copley confirmed the City of Topeka is paying.

MOTION: Committee member Dobler made a motion to approve the request. Committee member Ortiz seconded. Approved 2-0-0.

2024 FIRM: Facilities Improvements Project No. 131083.12

Jason Tryon, Public Works Deputy Director gave information on the current FIRM budget which as a result of bids coming in below cost estimates on other projects within this program this project is able to be achieved. The Public Works Department is proposing that some of those funds be used in two areas in City Hall. He added the spaces are currently occupied by Human Resources (HR) and Probation were not designed with those departments in mind. As a result, various doors into HR are unsecured. In order to provide an adequately private environment for HR business we are introducing additional doors that can be secured and accessed by employee badges. In addition, the Probation office does not have a private restroom facility to perform urine analysis testing as required. This project will allow for a properly secured environment and privacy for both departments to function.

Chairwoman Ortiz asked for clarification where the bathroom will be. Tryon confirmed it will be in the Probation office.

Council member Dobler added that he is in support of the project to make the necessary improvements.

Tryon stated there is no voting necessary for the facilities project and added the Public Works Department wanted to inform the committee.

CIP Amendments

Josh McAnarney, Budget Manager, provided preliminary information on possible future CIP Amendments. The finance department is proposing to change the following CIP Project funding sources:

- 2023 CIP: Amend the funding source for Project No. 241078
 - 2023 Infill Sidewalk Program from GO Bonds to Federal Funds Exchange (FFE) for \$600,000.
- 2024 CIP: Amend the funding source for Project No. 141036
 - 2024 Traffic Signals Program from a split of \$400,000 FFE and \$800,000 GO Bonds to fully Federal Funds Exchange funded for a total of \$1,200,000.
- 2024 CIP: Amend the funding source for Project No. 601160
 - Neighborhood Infrastructure (DREAMS 1) from Cash to GO Bonds for \$1,500,000.
- 2025 CIP: Amend the funding source for Project No. 131088
 - Facilities Improvement, Repair, and Maintenance Program (FIRM) from Cash to GO Bonds for \$2,300,000.

By changing the DREAMS funding from cash to bonds, the City will free up \$1.5 million in cash for the 2024 Operating Budget, resulting in a higher ending reserve balance for 2024 than originally projected. To be mindful of bonding costs, the finance department also proposed that the 2024 Traffic Signal Program and the 2023 Infill Sidewalk Program be funded through the Federal Funds Exchange in order to offset the move from cash to bonds for DREAMS 1.

McAnarney added the finance department suggested that future consideration be given to switching the 2025 Facilities Improvement Repair and Maintenance Program from cash to bonds to reduce expenditures in the 2025 Operating Budget. These considerations will be addressed at a later date.

Braxton Copley asked McAnarney to clarify that the CIP Amendments presented is what is being presented for budget approval for the September 17, 2024 meeting.

Other Items

Chairwoman Ortiz spoke to 5th Street and Van Buren Street; one-way road, east bound. She added that she has seen many car accidents and believes drivers are going down the wrong way. She requested there be some added painted pavement signals that would help drivers with the traffic instruction.

Braxton Copley, Assistant City Manager, responded that Public Works would review the specific intersection. He added that there have been recommendations to convert some one-way streets back to two-way streets; with the Polk-Quincy Viaduct project there has been a delay to review the traffic flow of the downtown area once all the project is constructed.

Adjourned 11: 24am

This meeting can be viewed online at: <https://youtu.be/jBQknKLYIYg>

DRAFT



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 1, 2024

DATE: October 1, 2024
CONTACT PERSON: Richard Faulkner, **DOCUMENT #:**
Development Services
Division Director
SECOND PARTY/SUBJECT: Rhiannon Fredman **PROJECT #:**
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 026 Buildings and Building Regulations
CIP PROJECT: No
ACTION OF COUNCIL: Discussion 09-17-24. **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Dr. Robert M. Perez, amending Sections 5.63.040 and 5.63.050 concerning licenses and registration term and fees of the Topeka Municipal Code and repealing original sections. (*The Policy and Finance Committee recommended approved by a vote of 3-0-0 on August 15, 2024.*)

Voting Requirement: Action requires at least five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

(The proposed ordinance would amend TMC Section 5.63.50 to allow licenses to be issued on a two-year cycle.)

VOTING REQUIREMENTS:

Action requires at least five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

POLICY ISSUE:

We issue approximately 3,000 licenses annually, and they are all due on the same day. This causes a backup in our processing the renewals. In the past we have had to hire temporary staff to get the licenses processed. We have implemented online license renewal and this has help considerably. By using bi-annual licensing, we should cut renewals times down from three months to less than one month.

The Policy and Finance Committee recommended approval by a vote of 3-0-0 on August 15, 2024.

STAFF RECOMMENDATION:

Staff recommends approval of the bi-annual licensing because it would effectively reduce the number of licenses that are due each year in half and theoretically cut the time to issue the renewals in half, and improving the City's efficiency to serve the customers.

BACKGROUND:

Trade contractors, trade boards, and the Board of Building Fire and Appeals and the all are in support of the bi-annual licensing. Staff has also presented this and received full support from the Policy & Finance Committee.

BUDGETARY IMPACT:

The first year of implementing the bi-annual we will have a bump in our licensing fee because half of the contractors will be paying for two-year license and the other group will be paying for one-year license. From that point on we will have our normal revenue because we will have half of the contractors paying for two years which is the same as having all the contractors paying for one year.

SOURCE OF FUNDING:

This proposal will not need any funding.

ATTACHMENTS:

Description

Ordinance

Councilmember Duncan Proposed Amendments - Ordinance

Memo

Presentation

Effect on Revenue

Policy & Finance Committee Report (Aug 15, 2024)

Policy & Finance Committee Meeting Minutes Excerpt (Aug 15, 2024)

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by City Manager Robert M. Perez, amending § 5.63.040
6 and § 5.63.050 concerning licenses and registration term and fees
7 of the Topeka Municipal Code and repealing original sections.
8

9 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

10 Section 1. That section 5.63.040, Licenses and Registration term, of the Code
11 of the City of Topeka, Kansas, is hereby amended to read as follows:

12 **Licenses and registrations term.**

13 All licenses and registrations shall be for a term of ~~one~~ two (2) years and shall
14 expire the last working day before December 15th in the second year of the term. In the
15 event of the expiration of a license or registration, no new license or registration shall be
16 issued until one year after the license or registration has expired. In the event the
17 individual elects to be licensed during this one-year period, he or she will be required to
18 pay the renewal fee, plus ~~an~~ applicable late fees, or other fees as required under the
19 Code.

20 In December of 2024, all individuals who apply for or renew their licenses and
21 registrations shall be divided into two groups as assigned by the Development Services
22 Director or designee. The first group of individuals shall pay the applicable biennial fees
23 and apply for or renew their licenses and registrations for a term of two years, that shall
24 expire on the last working day before December 15th in even-numbered years. The
25 second group of individuals shall pay the applicable annual fees and apply for or renew
26 their licenses and registrations for a term of one year that shall expire on the last working
27 day before December 15, 2025. After December 15, 2025, the second group of individuals

28 shall pay the applicable biennial fees and apply for or renew their licenses and
29 registrations for a term of two years that shall expire on the last working day before
30 December 15th in odd-numbered years.

31 Section 2: That section 5.63.050, Fees, of The Code of the City of Topeka, Kansas
32 is hereby amended to read as follows:

33 **Fees.**

34 (a) The original annual license or registration fees for contractors, masters,
35 journeymen and apprentices in the electrical, mechanical, plumbing and gas fitting trades
36 set to expire on December 15, 2025 are:

- 37 (1) Contractor:
- | | | |
|----|------------------------------------|----------|
| 38 | (i) Commercial contractor type I | \$250.00 |
| 39 | (ii) Commercial contractor type II | \$450.00 |
| 40 | (iii) Concrete contractor | \$150.00 |
| 41 | (iv) Demolition contractor | \$150.00 |
| 42 | (v) Elevator contractor | \$150.00 |
| 43 | (vi) Fire alarm contractor | \$150.00 |
| 44 | (vii) Fire sprinkler contractor | \$150.00 |
| 45 | (viii) Framing contractor | \$150.00 |
| 46 | (ix) Residential contractor | \$200.00 |
| 47 | (x) Roofing contractor | \$150.00 |
| 48 | (xi) Swimming pool contractor | \$150.00 |
| 49 | (xii) Trade contractors | \$250.00 |
| 50 | (A) Master | \$100.00 |

51 (B) Journeyman \$50.00

52 a. Certified backflow

53 Tester/repair technician \$50.00

54 (C) Apprentice registration \$30.00

55 (b) Annual renewal of license fees for the all contractors, and masters,

56 journeymen and apprentices in the electrical, mechanical, plumbing, and gas fitting trades

57 listed in this section which is set to expire on December 15, 2025, are:

58 (1) Contractor:

59 (i) Commercial contractor type I \$200.00

60 (ii) Commercial contractor type II \$400.00

61 (iii) Concrete Contractor \$100.00

62 (iv) Demolition contractor \$100.00

63 (v) Elevator contractor \$100.00

64 (vi) Excavation contractor \$100.00

65 (vii) Fire alarm contractor \$100.00

66 (viii) Fire sprinkler contractor \$100.00

67 (ix) Framing contractor \$100.00

68 (x) Residential contractor \$150.00

69 (xi) Roofing contractor \$100.00

70 (xii) Swimming pool contractor \$100.00

71 (xiii) Trade contractors \$150.00

72 (A) Master \$75.00

73 (B) Journeyman \$30.00

74	a. Certified backflow	
75	tester/repair technician	\$30.00
76	(C) Apprentice registration	\$20.00
77	(D) Inactive	\$30.00

78 (c) The biennial license or registration fees for all contractors, and masters,
79 journeymen and apprentices in the electrical, mechanical, plumbing and gas fitting trades
80 are:

81	<u>(1) Contractor:</u>	
82	<u>(i) Commercial contractor type I</u>	<u>\$500.00</u>
83	<u>(ii) Commercial contractor type II</u>	<u>\$900.00</u>
84	<u>(iii) Concrete contractor</u>	<u>\$300.00</u>
85	<u>(iv) Demolition contractor</u>	<u>\$300.00</u>
86	<u>(v) Elevator contractor</u>	<u>\$300.00</u>
87	<u>(vi) Fire alarm contractor</u>	<u>\$300.00</u>
88	<u>(vii) Fire sprinkler contractor</u>	<u>\$300.00</u>
89	<u>(viii) Framing contractor</u>	<u>\$300.00</u>
90	<u>(ix) Residential contractor</u>	<u>\$400.00</u>
91	<u>(x) Roofing contractor</u>	<u>\$300.00</u>
92	<u>(xi) Swimming pool contractor</u>	<u>\$300.00</u>
93	<u>(xii) Trade contractors</u>	<u>\$500.00</u>
94	<u>(A) Master</u>	<u>\$200.00</u>
95	<u>(B) Journeyman</u>	<u>\$100.00</u>

96 a. Certified backflow

97	<u>tester/repair technician</u>	<u>\$100.00</u>
98	<u>(C) Apprentice registration</u>	<u>\$60.00</u>
99	<u>(d) The biennial renewal of license fees for all contractors, and masters,</u>	
100	<u>journeymen, and apprentices in the electrical, mechanical, plumbing, and gas fitting</u>	
101	<u>trades are:</u>	
102	<u>(1) Contractor:</u>	
103	<u>(i) Commercial contractor type I</u>	<u>\$400.00</u>
104	<u>(ii) Commercial contractor type II</u>	<u>\$800.00</u>
105	<u>(iii) Concrete contractor</u>	<u>\$200.00</u>
106	<u>(iv) Demolition contractor</u>	<u>\$200.00</u>
107	<u>(v) Elevator contractor</u>	<u>\$200.00</u>
108	<u>(vi) Fire alarm contractor</u>	<u>\$200.00</u>
109	<u>(vii) Fire sprinkler contractor</u>	<u>\$200.00</u>
110	<u>(viii) Framing contractor</u>	<u>\$200.00</u>
111	<u>(ix) Residential contractor</u>	<u>\$300.00</u>
112	<u>(x) Roofing contractor</u>	<u>\$200.00</u>
113	<u>(xi) Swimming pool contractor</u>	<u>\$200.00</u>
114	<u>(xii) Trade contractors</u>	<u>\$300.00</u>
115	<u>(A) Master</u>	<u>\$150.00</u>
116	<u>(B) Journeyman</u>	<u>\$60.00</u>
117	<u>a. Certified backflow</u>	
118	<u>tester/repair technician</u>	<u>\$60.00</u>
119	<u>(C) Apprentice registration</u>	<u>\$40.00</u>

120 (D) Inactive \$60.00

121 (ee) Registration fee for individuals holding trade licenses issued by another
122 jurisdiction which has license requirements which comply with the provisions of TMC
123 5.63.080:

- | | | | |
|-----|-----|------------|----------|
| 124 | (1) | Master | \$100.00 |
| 125 | (2) | Journeyman | \$50.00 |

126 (df) In addition to the foregoing license or registration fees, the following fees or
127 charges shall also apply to all licenses:

- | | | | |
|-----|-----|---|---------|
| 128 | (1) | Change of designated master for trade contractors | \$50.00 |
| 129 | (2) | Reinstatement fee | \$30.00 |
| 130 | (3) | Change of address (failure notify | |
| 131 | | Development Services Director) | \$10.00 |
| 132 | (4) | Duplicate license | \$10.00 |
| 133 | (5) | Exam application | \$50.00 |
| 134 | (6) | Exam re-test | \$20.00 |
| 135 | (7) | Grade verification letter | \$50.00 |

136 (eg) Late registration or renewal fee in an amount equal to 25 percent of the
137 renewal fee up to 15 days after the expiration of license. Late registration or renewal fee
138 in an amount equal to 50 percent of the renewal fee 15 days or more after expiration.

139 Section 3. This ordinance shall take effect and be in force from and after its
140 passage, approval and publication in the official City newspaper.

141 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
142 or portions thereof, which are in conflict with the provisions of this ordinance.

143 Section 5. Should any section, clause or phrase of this ordinance be declared
144 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
145 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

146 PASSED AND APPROVED by the City Council on _____.

147
148 CITY OF TOPEKA, KANSAS

149
150
151
152 _____
153 Michael A. Padilla, Mayor

154 ATTEST:
155
156
157
158 _____
159 Brenda Younger, City Clerk

Councilmember Duncan Proposed amendments show in double underline

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

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18 pay the renewal fee, plus an applicable late fees, or other fees as required under the
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Councilmember Duncan Proposed amendments show in double underline

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41 (iv)	Demolition contractor	\$150.00
42 (v)	Elevator contractor	\$150.00
43 (vi)	Fire alarm contractor	\$150.00
44 (vii)	Fire sprinkler contractor	\$150.00
45 (viii)	Framing contractor	\$150.00
46 (ix)	Residential contractor	\$200.00
47 (x)	Roofing contractor	\$150.00
48 (xi)	Swimming pool contractor	\$150.00
49 (xii)	Trade contractors	\$250.00
50 (A)	Master	\$100.00

Councilmember Duncan Proposed amendments show in double underline

51 (B) Journeyman \$50.00

52 a. Certified backflow

53 Tester/repair technician \$50.00

54 (C) Apprentice registration \$30.00

55 (b) Annual renewal of license fees for the all contractors, and masters,
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65 (vii) Fire alarm contractor \$100.00

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67 (ix) Framing contractor \$100.00

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70 (xii) Swimming pool contractor \$100.00

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72 (A) Master \$75.00

73 (B) Journeyman \$30.00

Councilmember Duncan Proposed amendments show in double underline

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89	<u>(viii) Framing contractor</u>	<u>\$300.00</u>
90	<u>(ix) Residential contractor</u>	<u>\$400.00</u>
91	<u>(x) Roofing contractor</u>	<u>\$300.00</u>
92	<u>(xi) Swimming pool contractor</u>	<u>\$300.00</u>
93	<u>(xii) Trade contractors</u>	<u>\$500.00</u>
94	<u>(A) Master</u>	<u>\$200.00</u>
95	<u>(B) Journeyman</u>	<u>\$100.00</u>

96 a. Certified backflow

Councilmember Duncan Proposed amendments show in double underline

97	<u>tester/repair technician</u>	<u>\$100.00</u>
98	<u>(C) Apprentice registration</u>	<u>\$60.00</u>
99	<u>(d) The biennial renewal of license fees for all contractors, and masters,</u>	
100	<u>journeymen, and apprentices in the electrical, mechanical, plumbing, and gas fitting</u>	
101	<u>trades are:</u>	
102	<u>(1) Contractor:</u>	
103	<u>(i) Commercial contractor type I</u>	<u>\$400.00</u>
104	<u>(ii) Commercial contractor type II</u>	<u>\$800.00</u>
105	<u>(iii) Concrete contractor</u>	<u>\$200.00</u>
106	<u>(iv) Demolition contractor</u>	<u>\$200.00</u>
107	<u>(v) Elevator contractor</u>	<u>\$200.00</u>
108	<u>(vi) Fire alarm contractor</u>	<u>\$200.00</u>
109	<u>(vii) Fire sprinkler contractor</u>	<u>\$200.00</u>
110	<u>(viii) Framing contractor</u>	<u>\$200.00</u>
111	<u>(ix) Residential contractor</u>	<u>\$300.00</u>
112	<u>(x) Roofing contractor</u>	<u>\$200.00</u>
113	<u>(xi) Swimming pool contractor</u>	<u>\$200.00</u>
114	<u>(xii) Trade contractors</u>	<u>\$300.00</u>
115	<u>(A) Master</u>	<u>\$150.00</u>
116	<u>(B) Journeyman</u>	<u>\$60.00</u>
117	<u>a. Certified backflow</u>	
118	<u>tester/repair technician</u>	<u>\$60.00</u>
119	<u>(C) Apprentice registration</u>	<u>\$40.00</u>

Councilmember Duncan Proposed amendments show in double underline

120 (D) Inactive \$60.00

121 (ee) Registration fee for individuals holding trade licenses issued by another
122 jurisdiction which has license requirements which comply with the provisions of TMC
123 5.63.080:

- | | | | |
|-----|-----|------------|----------|
| 124 | (1) | Master | \$100.00 |
| 125 | (2) | Journeyman | \$50.00 |

126 (df) In addition to the foregoing license or registration fees, the following fees or
127 charges shall also apply to all licenses:

- | | | | |
|-----|-----|---|---------|
| 128 | (1) | Change of designated master for trade contractors | \$50.00 |
| 129 | (2) | Reinstatement fee | \$30.00 |
| 130 | (3) | Change of address (failure notify | |
| 131 | | Development Services Director) | \$10.00 |
| 132 | (4) | Duplicate license | \$10.00 |
| 133 | (5) | Exam application | \$50.00 |
| 134 | (6) | Exam re-test | \$20.00 |
| 135 | (7) | Grade verification letter | \$50.00 |

136 (eg) Late registration or renewal fee in an amount equal to 25 percent of the
137 renewal fee up to 15 days after the expiration of license. Late registration or renewal fee
138 in an amount equal to 50 percent of the renewal fee 15 days or more after expiration.

139 (h) Individuals may elect to split their biennial renewal fees pursuant to
140 subsection (d) into two equal payments with one-half of the fee due on the last working
141 day before December 15th of the first year and the remaining one-half of the fee due on
142 the last working day before December 15th of the second year. A \$50.00 administrative

Councilmember Duncan Proposed amendments show in double underline

143 fee shall be paid in addition to the renewal fee and accompany the first one-half renewal
144 payment. Failure to pay the amount due under this subsection on the date that it is due
145 shall result in late fees being assessed pursuant to subsection (g).

146 Section 3. This ordinance shall take effect and be in force from and after its
147 passage, approval and publication in the official City newspaper.

148 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
149 or portions thereof, which are in conflict with the provisions of this ordinance.

150 Section 5. Should any section, clause or phrase of this ordinance be declared
151 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
152 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

153 PASSED AND APPROVED by the City Council on _____.

154
155 CITY OF TOPEKA, KANSAS

156
157
158
159 _____
160 Michael A. Padilla, Mayor

161 ATTEST:

162
163
164
165 _____
166 Brenda Younger, City Clerk



CITY OF TOPEKA

Richard Faulkner
Division Director of Development Services
Holliday Building, 620 SE Madison St., Topeka, KS 66607

rfaulkner@topeka.org
Tel: 785-368-1606
www.topeka.org

Date: August 5, 2024

To: Policy & Finance Committee
Marcus Miller
Spencer Duncan
Michelle Hoferer

From: Richard Faulkner, Division Director Development Services

Subject: Bi-Annual Contractor Licensing TMC 5.63.40 & 5.63.50

Traditionally there is a choke-point in December where the process of licensing the trades and contractors happen. The ripple effect of this extremely busy and stressful time is directly related to IT pressure, overwhelmed telephone lines, late billing, and inspection scheduling difficulties.

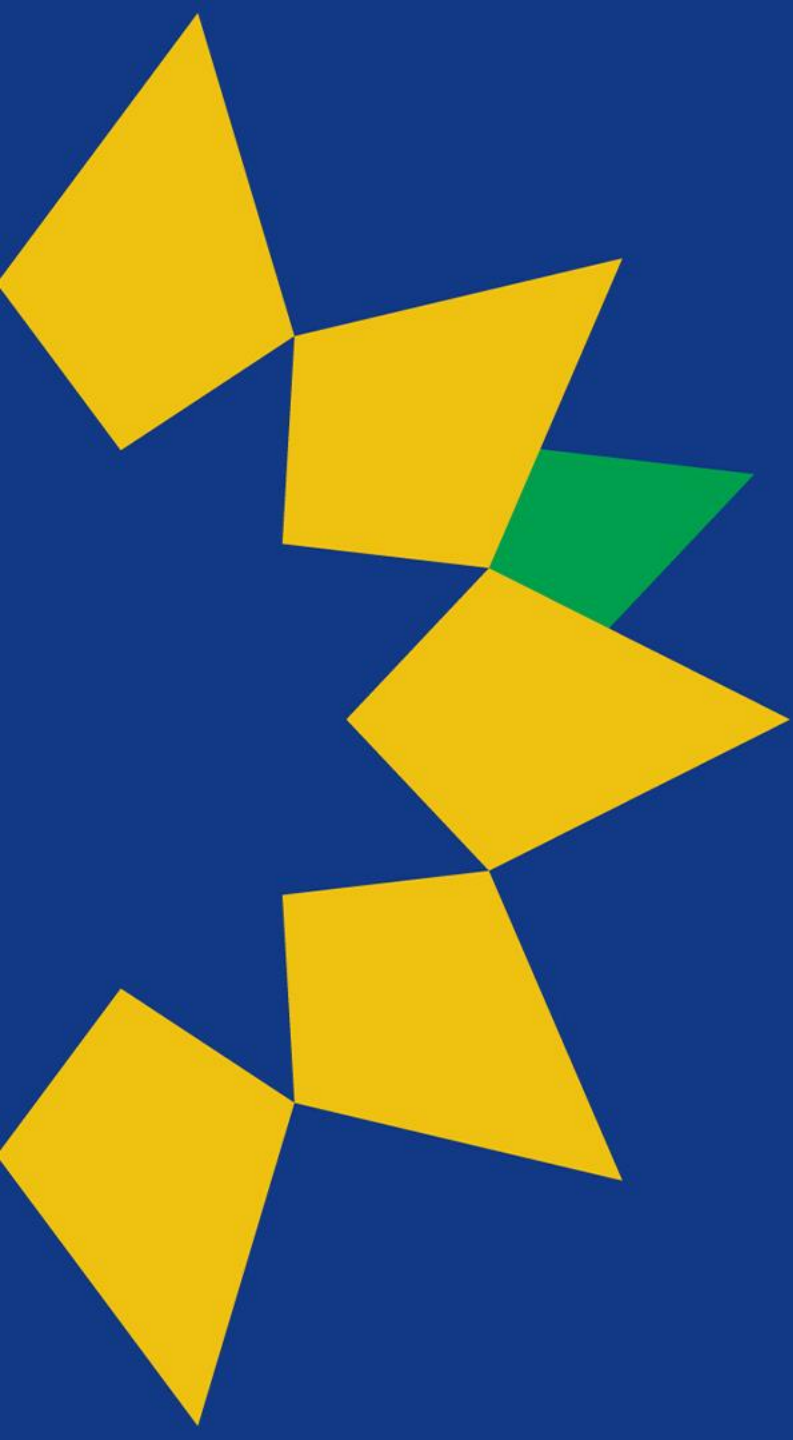
We carry approximately 3,000 licenses yearly.

Proposal to move to a two-year license which we stagger into two equal sized groups. This would effectively halve the number of licenses to renew each year and cease the backlog to the listed ripples above, improving the City's efficiency to serve its customers.

Proposal that the license should be the same price per year as we have used for the past years though obviously twice the amount to cover the duration of the new license. During the implementation year one "half/group" will receive the traditional one-year license in order to stagger the groups going forwards.

The required CEU accreditation can be handled by either accepting 12 hours at the end of the license or by 6 hours each year (State Statute, KS 12-1509) This year we implemented a fully online approach to renewal through the uploading of those CEU documents. This will allow us to keep a digital receipt of those hours in our database for our customers negating the issue of lost certificates on their part.

Also because of the move to online renewal we can put together an accurate database enabling us to email notifications to our customers.



CITY OF
TOPEKA



Topeka Municipal Code Amendment to Licensing Requirement

Section 5.63.040 License and Registration Term

Current Code

Our current municipal code requires that all trade licenses be issued for one year:

TMC 5.63.040 All licenses and registrations shall be for a term of one year ...

We are proposing to issue licenses for two years.



- We have been working to improve the time it takes to renew trade contractors license.
- One of the things we have done is to implement online license renewal
- Before the online license renewal we would start in December and work until March of the next year issuing renewals. We also needed to hire temporary staff.
- Now with online licensing we can renew a license the same day. We were able to complete license renewals in one month.



- By issuing a two year license we could cut the renewal time down to two weeks.
- Allow contractors to deal with license renewal once every two years not every year.
- When contractors renew their license online at the same time they can crash the computer server.
- This will allow us to provide more timely service during the renewal.



- We have sent out emails to our licensed contractors to get their input on looking into two year licensing
- We discussed this proposal with the trade boards and the Board of Building and Fire appeals (BBFA)
- We have reviewed that state statutes to make sure this can be done and not violate any statutes
- We typically compare our building code issues to Olathe, Overland Park, Junction City, Shawnee, Lawrence, Leavenworth, and Manhattan. Manhattan is the only other community that has two year licensing.



Conclusion

- All the trade boards, trade contractors and the BBFA have support this request to amend this code to the Governing Body
- Staff supports this recommendation
- Buy amending this code we can serve the contractors in a more timely manner



Bi-Annual License Split 2024/25

<u>Contractors with Qualifying Party</u>					
		<u>Fee</u>	<u>#</u>	<u>Total Fee</u>	
One Year License	Concrete	\$103	54	\$5,562	
	Demolition	\$103	25	\$2,575	
	Excavating	\$103	70	\$7,210	
	Fire Alarm	\$103	33	\$3,399	
	Fire Sprinkler	\$103	36	\$3,708	
	Electrical	\$231	369	\$85,239	
	General Class A (G2)	\$403	164	\$66,092	
	Lawn Irrigation	No Fee	16	\$0	
	Residential Class C (R1)	\$103	93	\$9,579	
	Roofing	\$103	66	\$6,798	
	Backflow Tester	\$33	118	\$3,894	
	Electrical Journeymen	\$33	186	\$6,138	
	Total Fees				\$200,194
Total Licenses			1230		
<u>Trade Contractors with Master</u>					
		<u>Fee</u>	<u>#</u>	<u>Total Fee</u>	
Two Year License	Plumbing	\$231	263	\$121,506	
	Mechanical	\$231	241	\$111,342	
	General Class B (G1)	\$203	259	\$105,154	
	Electrical Apprentice	\$23	40	\$1,840	
	Solid Fuel Master	\$78	5	\$780	
	Mechanical Apprentice	\$23	24	\$1,104	
	Mechanical Journeymen	\$33	96	\$6,336	
	Plumbing Apprentice	\$23	20	\$920	
	Plumbing Journeymen	\$33	69	\$4,554	
	Mobile Home Setter	No Fee	1	\$0	
	Total Fees				\$353,536
	Total Licenses			1018	

NOTE: This is NOT reflective of any proposed fee increase going forwards. Tech Fee is included

Total fees for first year \$553,730
Total fees for second year \$400,388
Total fees for third year \$353,536
Total fees for the fourth year \$400,388

Per above Table
Contractor with Qualifying Party column only for two years
Trade Contractor column Only
Contractor with Qualifying Party column only

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

**Name of
Committee:**

Policy & Finance

Title:

Bi-Annual Contractor Licensing Proposal

**Date referred
from Council
meeting:**

**Date referred
from
Committee:**

August 15, 2024

**Committee
Action:**

MOTION: Committee member Miller made a motion to approve and get on the Governing Body agenda to support the Bi-Annual Contractor Licensing. Committee member Hoferer seconded. Approved 3-0-0.

Comments:

**Members of
Committee:**

Councilmembers Spencer Duncan (Chair), Marcus Miller, Michelle Hoferer

**Agenda Date
Requested:**

September 17, 2024



CITY OF TOPEKA

CITY COUNCIL
City Hall, 215 SE 7th St., Room 255
Topeka, KS 66603-3914
(785) 368-3710

Tonya Bailey, Sr Executive Assistant
Tara Jefferies, Sr Executive Assistant
E-mail: councilassist@topeka.org
www.topeka.org

EXCERPT

CITY OF TOPEKA, Topeka, Kansas, Thursday, August 15, 2024. The Public Infrastructure Committee members met at 1:00 P.M. 1st Floor Conference Room, Cyrus K. Holliday Bldg 620 SE Madison , with the following Committee members present: Spencer Duncan (Chair), Marcus Miller and Michelle Hoferer.

The following is an excerpt of the draft minutes from the meeting:

APPROVAL to proceed with recommendation so support the Bi-Annual Contractor Licencing.

BI-ANNUAL CONTRACTOR LICENSING PROPOSAL

Richard Faulkner, Development Services Division Director, presented information on the current code; the current municipal code requires that all trade licenses be issued for one year. Development Services is proposing to issue licenses for two years. The proposal has gone to the Board of Building and Fire appeals (BBFA), talked with contractors and stakeholders; which is being supported. He spoke to the implementation of online license renewal which has provided the staff the ability to issue a license much quicker. By issuing a two-year license this would allow contractors the convenience of not going through the process yearly, and improving the City's efficiency to serve its customers. There were comparisons done with Olathe, Overland Park, Junction City, Shawnee, Lawrence, Lawrence, Leavenworth and Manhattan to review their building codes, all but Manhattan is in a two-year licencing.

MOTION: Committee member Miller made a motion to approve and get on the Governing Body agenda. Committee Chair Hoferer seconded. Motion approved 3-0-0.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 1, 2024

DATE: October 1, 2024
CONTACT PERSON: Braxton Copley, Assistant City Manager
DOCUMENT #:
SECOND PARTY/SUBJECT: Additional Funding for operations and maintenance of Hotel Topeka
PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Dr. Robert M. Perez regarding additional funding for operations and maintenance of Hotel Topeka in the amount of \$500,000.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would authorize an additional \$500,000 to be used for any future operating fund requests for emergency or life safety issues.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to approve request from the Topeka Development Corporation for additional operational funding in the amount of \$500,000.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

Currently there is only \$100,000 remaining authority that we have under previous resolutions. Staff requests additional authority of \$500,000 to be able to properly respond to any future operating funds request for

emergency or life safety issues.

BUDGETARY IMPACT:

\$500,000

SOURCE OF FUNDING:

General Funds-Hotel Non-Departmental Expense

ATTACHMENTS:

Description

Resolution

TDC Expense Summary

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Dr. Robert M. Perez regarding additional funding for operations and maintenance of Hotel Topeka.

WHEREAS, the management agreement for Hotel Topeka requires the owner, the Topeka Development Corporation, to maintain a minimum working capital account of \$150,000; and

WHEREAS, the Governing Body, after receiving and considering the request for funding, has issued Resolution Nos. 9478, 9491 and 9516 for funding in the amount of \$500,000 for each request; and

WHEREAS, the City has received a request from the Topeka Development Corporation for additional operational funding in the amount of \$500,000; and

WHEREAS, the Governing Body acknowledges additional funding needs to be authorized.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, that the Governing Body authorizes funding to the Topeka Development Corporation, not to exceed an additional \$500,000 from General Fund – Hotel Non-Departmental Expense to operate and maintain Hotel Topeka.

ADOPTED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

Hotel Topeka Expense Summary

8/30/2024 8:43 AM

DATE	DESCRIPTION	AMOUNT	CATEGORY
12/1/2023	TOPHOTEL - SPRINKLERS	7,297.00	CAPITAL OUTLAY BLDING & IMPROV
12/1/2023	TOPHOTEL - ACTUATORS	19,106.09	CAPITAL OUTLAY BLDING & IMPROV
12/18/2023	DIRECTORS & OFFICERS PREMIUM	132.47	INSURANCE
12/31/2023	CORR TOPHOTEL - OP RESERVE	131,335.09	ADMINISTRATIVE COSTS
12/31/2023	TOP HOTEL - OPERATING RES #1	18,664.91	ADMINISTRATIVE COSTS
12/31/2023	TOP HOTEL - OPERATING RES #2	150,000.00	ADMINISTRATIVE COSTS
12/31/2023	TOP HOTEL OP RES ROUND	(0.09)	ADMINISTRATIVE COSTS
12/31/2023	CORR TOPHOTEL - LOCKS	90,661.82	CAPITAL OUTLAY BLDING & IMPROV
1/1/2024	DIRECTORS & OFFICERS PREMIUM	649.53	INSURANCE
4/3/2024	LED LLIGHTS 100W LMP#41013 14000LM	2,250.00	MAINT BLDG & GROUNDS
4/29/2024	5127UMB BANK NA	1,620.00	MAINT BLDG & GROUNDS
2/29/2024	OPS FUNDING REQUEST #2	227,355.00	ADMINISTRATIVE COSTS
3/31/2024	2024 TDC OPS TRSF #4	215,851.00	ADMINISTRATIVE COSTS
2/29/2024	CAPEX - STROBE HORN	632.46	CAPITAL OUTLAY BLDING & IMPROV
2/29/2024	TOPHOTEL - EMERGENCY WA EXTR	24,058.31	CAPITAL OUTLAY BLDING & IMPROV
3/31/2024	TOPHOTEL - BACKFLOW REPAIR	9,479.00	CAPITAL OUTLAY BLDING & IMPROV
3/31/2024	TOPHOTEL - DOOR LOCK SERVER	2,003.64	CAPITAL OUTLAY BLDING & IMPROV
3/28/2024	TOPHOTEL - PULL STATION	2,168.54	CAPITAL OUTLAY BLDING & IMPROV
3/28/2024	TOPHOTEL - DRYWALL	2,971.53	CAPITAL OUTLAY BLDING & IMPROV
4/16/2024	TOPHOTEL - VALVE REPLACEMENT	18,286.60	CAPITAL OUTLAY BLDING & IMPROV
5/14/2024	TOPHOTEL - VALVE REPLACEMENT	69,344.00	CAPITAL OUTLAY BLDING & IMPROV
5/22/2024	TOPHOTEL - AUDIT SERVICES	26,747.80	PROF-AUDIT/LEGAL
7/9/2024	2024 TDC OPS TRSF #5	178,323.09	ADMINISTRATIVE COSTS
TBD	2024 TDC OPS TRSF #6	200,170.00	ADMINISTRATIVE COSTS
		1,399,107.79	TOTAL HOTEL DISBURSEMENTS
		500,000.00	Resolution 9478
		500,000.00	Resolution 9491
		500,000.00	Resolution 9516
		217,254.24	Resolution 9532 (Capital Expense-Chiller)
		125,662.00	Resolution 9549
		59,589.19	Resolution 9550
		1,902,505.43	GB APPROVED FUNDING
		1,902,505.43	GB APPROVED FUNDING
		1,399,107.79	TOTAL HOTEL DISBURSEMENTS
		402,505.43	PENDING REQUEST TOTAL
		100,892.21	REMAINING AUTHORITY
		1,149,228.80	Total Operating Expenditures
		249,878.99	Total Approved and Paid Capital Expenditures



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 1, 2024

DATE: October 1, 2024
CONTACT PERSON: Carrie Higgins, Housing Services Division Director
DOCUMENT #:
SECOND PARTY/SUBJECT: Rhiannon Friedman, Planning and Development Director
PROJECT #:
CATEGORY/SUBCATEGORY: 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: Discussion
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION of funding recommendations by the Alcohol and Drug Advisory Council in the amount of \$670,534 for the 2025 Special Alcohol Fund.

(The City receives the liquor tax collected by the State of Kansas. State statute requires that one-third of the proceeds be deposited in the City's Special Alcohol and Drug Program Fund.)

VOTING REQUIREMENTS:

Discussion only. No action required by the Governing Body.

POLICY ISSUE:

The recommended amount is based on the projected Liquor Tax collected by the State and required to be allocated to alcohol and drug programs.

STAFF RECOMMENDATION:

Discussion only. No action required by Governing Body.

BACKGROUND:

The City receives the liquor tax collected by the State of Kansas. State statute requires that one-third of the proceeds be deposited in the City's special alcohol and drug program fund. Those funds can be used only for "the purchase, establishment, maintenance or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol or

drug abuse or treatment of persons who are alcoholics or drug abusers or in danger of becoming alcoholics or drug abusers. " The review team is recommending the following amounts for 2025:

- Third Judicial District (Drug Court Program) \$54,814
- Kansas Children Service League (Drug Endangered Child Program) \$16,217
- PARS (Prevention Programs) \$175,067
- PARS (Evaluation and Intervention Programs) \$74,872
- Valeo (Social Detox Program) \$349,564

BUDGETARY IMPACT:

\$670,534 will be expended from the Special Alcohol Program Fund in 2025.

SOURCE OF FUNDING:

Liquor Tax collected by the State and allocated to the City for the purpose of awarding grants to alcohol and drug programs.

ATTACHMENTS:

Description

SAD 2025 Grand Funding Recommendations Summary
Presentation - SAD 2025 Grant Funding



CITY OF TOPEKA

Housing Services
620 SE Madison, Unit 8
Topeka, KS 66607

Carrie Higgins, Division Director
Tel: 785-368-3711
Fax: 785-368-2546
www.topeka.org

Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council's Recommendations for 2025 City of Topeka Special Alcohol and Drug Program Grant Requests Total funds projected: \$670,534

The Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council recommends the following programs for funding from City of Topeka Special Alcohol-Drug (liquor-by-the-drink) Program tax funds as authorized in State of Kansas Statute-K.S.A. Chapter 79, Article 41a and K.A.R. Agency 92, Article 42:

“Moneys in the special alcohol and drug programs fund shall be expended only for the purchase, establishment, maintenance or expansion of services or programs whose principle purpose is alcoholism and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers. In any county in which there has been organized an alcohol and drug advisory committee, the board of county commissioners shall request and obtain, prior to making an expenditures from the special alcohol and drug programs fund, the recommendations of the advisory committee concerning such expenditure.”

The following programs meet the “principal purpose” criteria for funding as stated and also use the Institute of Medicine’s core strategies and/or programs and strategies that are represented in the National Registry of Evidence-Based Programs.

2025 Alcohol and Drug Grant Requests

City of Topeka - \$670,534 Available

Agency	Program	2023 Funded	2024 Funded	2025 Requested	Review Committee Recommendation
Third Judicial	Drug Treatment Court	\$54,034	\$52,000	\$54,600	\$54,814
KCSL	Drug Endangered Child	\$13,039	\$15,000	\$15,000	\$16,217
PARS	Prevention Programs	\$169,303	\$169,303	\$174,382	\$175,067
PARS	Eval & Intervention	\$70,695	\$70,695	\$70,695	\$74,872
Valeo	Social Detox	\$282,929	\$307,929	\$323,325	\$349,565
Totals		\$590,000	\$695,927	\$638,002	\$670,534

**Program Name: Prevention and Resiliency Services, Inc. (PARS)
Substance Abuse Prevention Program**

The Substance Abuse Prevention Program at PARS is designed to educate youth, their families and the community at large about the inherent risks associated with substance use (alcohol, drugs, tobacco/vaping and misuse of prescription medications) to increase their awareness and empower them to make informed decision that will decrease substance use over time.

Agency	Program	2023 Funded	2024 Funded	2025 Request	ADAAC Recommendation
PARS	Community Prevention Program	\$169,303	\$169,303	\$174,382	\$175,067

**Program Name: Prevention and Resiliency Services, Inc. (PARS)
Substance Use Evaluation & Intervention Program**

The substance use Evaluation and Intervention Program complements an array of services offered by Prevention and Resiliency Services, Inc. (PARS) designed to work together to decrease substance use, misuse and abuse among area youth. Services are provided to youth, families and the community at-large using a multi-faceted approach. PARS uses the Institute of Medicine’s (IOM) Behavioral Health Continuum of Care model as a basis for overall program operations.

Agency	Program	2023 Funded	2024 Funded	2025 Request	ADAAC Recommendation
PARS	Evaluation & Intervention	\$70,695	\$70,695	\$70,695	\$74,872

**Program Name: 3rd Judicial District of Kansas
Drug Treatment Court**

Drug Treatment Court is a “Specialty Court” program that combines problem-solving court sessions, intensive community supervision, and personalized treatment into a public health approach towards helping high-risk, substance-using offenders.

Agency	Program	2023 Funded	2024 Funded	2025 Request	ADAAC Recommendation
3 rd Judicial District	Drug Treatment Court	\$54,034	\$52,000	\$54,600	\$54,814

Program Name: Kansas Children’s Service League’s Drug Endangered Children (DEC) Case Management

This program is based on evidence regarding the importance of home visitation and strengths based work with people using substances. The program includes early identification of substance using parents and intensive support to families facing multiple challenges. This is accomplished through weekly home visits, “warm hands off” to substance abuse treatment facilities, individualized service plans and education about their responsibility as a parent and the impact substance us can have on their ability to be an effective parent.

Agency	Program	2023 Funded	2024 Funded	2025 Request	ADAAC Recommendation
Ks Children’s Service League	Drug Endangered Child	\$13,039	\$15,000	\$15,000	\$16,217

Program Name: VALEO Recovery Center (VRC) Social Detoxification Program

Social Detox is a safe, non-medical, therapeutic environment for acute withdrawal from substance use. The goals of Social Detox are to 1) provide timely access for persons in need of Social Detox services; 2) to facilitate successful completion of the detoxification process, which includes reduction of symptoms associated with withdrawal from substance use and completion of a clinical assessment of treatment needs, and 3) to transfer clients to appropriate treatment modalities based on the assessment and determination of need for care.

The average length of stay in Social Detox ranges from 24 hours to six days. Social Detox is a service that is provided 24 hours per day, seven days per week, to include weekends and holidays.

Agency	Program	2023 Funded	2024 Funded	2025 Request	ADAAC Recommendation
VALEO	Social Detox	\$282,929	\$307,929	\$323,325	\$349,564



CITY OF
TOPEKA



Special Alcohol & Drug Abuse Advisory Council Grant Recommendations

Carrie Higgins, Housing Division Director

Special Alcohol & Drug Grant Process

- The City has estimated that \$670,534 will be available for the Special Alcohol and Drug Abuse fund in 2025.
- This amount is projected on the liquor tax collected by the State of Kansas and required to be allocated to alcohol and drug programs.
- An RFP was released in June and 4 agencies applied with a total of 5 programs.
- The Grant Review Committee met in July to score each application.
- In August, the Special Alcohol and Drug Advisory Council voted to approve the scores and agencies were given a week to submit any appeals. There were no appeals this year.
- Tonight the recommendations are presented for discussion and next week the Governing Body will vote on approval.



2025 Alcohol & Drug Grant Requests

City of Topeka - \$670,534 Available					
Agency	Program	2023 Funded	2024 Funded	2025 Requested	Review Committee Recommendation
Third Judicial	Drug Treatment Court	\$54,034	\$52,000	\$54,600	\$54,814
KCSL	Drug Endangered Child	\$13,039	\$15,000	\$15,000	\$16,217
PARS	Prevention Programs	\$169,303	\$169,303	\$174,382	\$175,067
PARS	Eval & Intervention	\$70,695	\$70,695	\$70,695	\$74,872
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Totals		\$590,000	\$695,927	\$638,002	\$670,534





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October 1, 2024

DATE: October 1, 2024
CONTACT PERSON: Rhiannon Friedman, **DOCUMENT #:**
Planning and
Development Director
SECOND PARTY/SUBJECT: Councilmember, **PROJECT #:**
Spencer Duncan
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION of a proposed amendment to Section 6(d) of the City's Land Bank Ordinance No. 20426 concerning **Administration of property**. (*The Policy and Finance Committee recommended approval on August 15, 2024.*)

(*Approval of the proposed ordinance would allow for transfer of property to be utilized as a rental property not exclusively homeownership.*)

VOTING REQUIREMENTS:

Discussion item only. Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

POLICY ISSUE:

Whether to allow the transfer of property to be utilized as a rental property not exclusively homeownership as it currently stands today.

STAFF RECOMMENDATION:

Discussion only. Staff recommends the Governing Body move to adopt the ordinance when considered.

BACKGROUND:

The Governing Body approved Ordinance No. 20426 on May 16, 2023, establishing the City of Topeka Land Bank. The land bank shall serve the public purpose of providing for the orderly, planned and reutilization of abandoned, tax-foreclosed or otherwise underutilized properties.

The proposed amendment to Section 6(d) of Ordinance No. 20426 concerns to the Administration of property, striking the language, "except that the Board shall not transfer any property to be utilized as rental property." The Policy and Finance Committee recommended approval on August 15, 2024.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Proposed Land Bank Ordinance

Policy and Finance Committee Meeting Minutes Excerpt (August 15, 2024)

Ordinance No. 20426 (May 16, 2023)

1
2 (Published in the Topeka Metro News _____)

3
4 ORDINANCE NO. _____

5
6 AN ORDINANCE introduced by Councilmember Spencer Duncan concerning the
7 land bank administration of property, amending Section 6 of
8 Ordinance 20426, to be codified at TMC 2.260.060.

9
10 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

11
12 Section 1. That Section 6 of Ordinance No. 20426, to be codified at TMC
13 2.260.060, Administration of Property, of The Code of the City of Topeka, Kansas is
14 hereby amended to read as follows:

15 **Administration of property.**

16 Pursuant to K.S.A. 12-5907 and amendments thereto, the Board shall assume
17 possession and control of any property acquired by it and shall hold and administer
18 such property. In the administration of property, the Board shall:

19 (a) Manage, maintain and protect or temporarily use for a public
20 purpose such property in the manner the Board deems appropriate;

21 (b) Compile and maintain a written inventory of such property;

22 (c) Study, analyze and evaluate potential, present and future uses for
23 such property which would provide for its effective reutilization;

24 (d) Plan for and use the Board's best efforts to consummate a sale or
25 other disposition of Bank property upon such terms and conditions deemed
26 appropriate; ~~except that the Board shall not transfer any property to be utilized as~~
27 ~~rental property;~~ and

28 (e) Sell property acquired by the Bank upon such terms and conditions
29 allowed by K.S.A. 12-5908 and amendments thereto.



CITY OF TOPEKA

CITY COUNCIL
City Hall, 215 SE 7th St., Room 255
Topeka, KS 66603-3914
(785) 368-3710

Tonya Bailey, Sr Executive Assistant
Tara Jefferies, Sr Executive Assistant
E-mail: councilassist@topeka.org
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EXCERPT

HOLLIDAY 1st FLOOR CONFERENCE ROOM, Topeka, Kansas, Thursday, August 15, 2024. The Policy & Finance Committee members met at 1:00 P.M., with the following Committee members present: Duncan (Chair), Marcus Miller, Michelle Hoferer.

The following is an excerpt of the draft minutes from the meeting:

APPROVAL by the Committee to allow staff to draft a proposal to move before the Governing Body for consideration of the Land Bank Ordinance.

LAND BANK ORDINANCE

Rhiannon Friedman, Planning Director, stated that the suggestion is to have an amendment to the current ordinance. It would allow the language to transfer property utilized as rental property; instead of only land ownership.

Chairman Duncan provided history of the Land Bank ordinance as it was originally written. He passed on that vacant lots are ideal to provide a multi-unit for-profit development. The Land Bank program will continue to have the authority to follow the rules with having good standing landlords with also owning the land for a minimum of five years.

Committee member Miller asked if there is a clear criteria for any denials of the program. Spencer Duncan replied that there is a clear list of requirements that applicants must have.

Councilmember Banks asked how many properties are in Landbank. Duncan stated there are five; they are vacant lots that the City of Topeka owned. He is looking to expand to ten to twelve.

MOTION: Committee member Duncan made a motion to approve and get on the Governing Body agenda to amend the ordinance language for the Land Bank. Committee member Miller seconded. Approved 3-0-0.

1 (Published in the Topeka Metro News May 22, 2023)

2
3 **ORDINANCE NO. 20426**

4
5 AN ORDINANCE introduced by Councilmember Spencer Duncan establishing a land
6 bank and creating new Chapter 2.260 in the Topeka Municipal
7 Code.

8
9 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

10
11 Section 1. That the Code of the City of Topeka, Kansas, is hereby amended
12 by adding a section to be numbered 2.260.010, which said section reads as follows:

13 **Establishment and purpose.**

14 The governing body of the city, by the power vested in it by K.S.A. 12-5901 et
15 seq., hereby establishes the City of Topeka Land Bank. The land bank shall serve the
16 public purpose of providing for the orderly, planned and reutilization of abandoned, tax-
17 foreclosed or otherwise underutilized properties.

18 Section 2. That the Code of the City of Topeka, Kansas, is hereby amended
19 by adding a section to be numbered 2.260.020, which said section reads as follows:

20 **Definitions.**

21 For the purpose of this chapter, the words set out in this section shall have the
22 following meanings:

23 Board means the board of trustees of the land bank established pursuant to this
24 chapter.

25 Bank means the land bank established pursuant to this chapter.

26 City means the City of Topeka, Kansas.

27 Governing Body means the governing body of the City.

28 Land Bank Act means K.S.A. 12-5901 et seq. and amendments thereto.

29 Section 3. That the Code of the City of Topeka, Kansas, is hereby amended
30 by adding a section to be numbered 2.260.030, which said section reads as follows:

31 **Board of trustees; appointment, terms.**

32 (a) The Board shall consist of five members who reside within the boundaries of
33 the City or Shawnee County. One member shall be a member of a neighborhood
34 improvement association established pursuant to TMC 2.25.050; one member shall be
35 an employee of the City designated by the city manager; and one member shall be a
36 City Council member.

37 (b) Board members shall be appointed by the Mayor and approved by the City
38 Council. Board members' terms shall commence upon approval of the appointment by
39 the City Council and terminate on the earlier of (1) December 31, 2026; or (2) on the
40 date the Bank is dissolved, by ordinance, pursuant to K.S.A. 12-5902(d) and
41 amendments thereto.

42 Section 4. That the Code of the City of Topeka, Kansas, is hereby amended
43 by adding a section to be numbered 2.260.040, which said section reads as follows:

44 **Staff and operations.**

45 (a) Staff. The city manager may allocate such staff as is necessary for the
46 performance of the functions and purposes of the Bank. Additional support may be
47 contracted, as necessary.

48 (b) Operating funds. The city manager may utilize City operating funds
49 allocated by the Governing Body to pay the expenses of the Board and the Bank.

50 (c) Operations. The duties of the Bank shall include, but are not limited to, the
51 following:

52 (1) Establish annual budgets for submission to and approval by the
53 Governing Body. The budget must be submitted to the Governing Body prior to
54 June 1 of each year and include, at a minimum, the amounts designated for
55 staffing, land acquisition, demolition, renovation, maintenance, upkeep and new
56 construction development.

57 (2) Provide an annual report to the Governing Body on or before
58 January 31 of each year, in accordance with K.S.A. 12-5903(f) and amendments
59 thereto.

60 (3) Comply with the Topeka Land Bank Administrative Policy
61 Guidelines approved by the Governing Body.

62 (4) Perform and do all things and acts necessary to carry out the
63 statutory purposes of the Land Bank Act.

64 (d) Audits. As required by K.S.A. 12-5903 and amendments thereto, the
65 receipts and disbursements of the Board shall be audited yearly by a certified or
66 licensed public accountant and the audit report shall be included in the annual report of
67 the Board.

68 Section 5. That the Code of the City of Topeka, Kansas, is hereby amended
69 by adding a section to be numbered 2.260.050, which said section reads as follows:

70 **Property available for inclusion.**

71 (a) Property available for inclusion in the Bank shall include, but not be
72 limited to:

73 (1) Property currently held in the name of the City;

74 (2) Property donated by other governmental entities;

75 (3) Property purchased by the Board to complement properties in the
76 Bank; and

77 (4) Property offered to and accepted by the Board.

78 (b) Pursuant to K.S.A. 12-5906 and amendments thereto, any property
79 acquired by the City may be transferred to the Bank. The Board may accept or refuse
80 to accept any property. The transfer of any property pursuant to this section shall not
81 be subject to any bidding requirement and shall be exempt from any provision of law
82 requiring a public sale.

83 (c) The fee simple title to any real estate that is sold to Shawnee County in
84 accordance with K.S.A. 79-2803 and 79-2804 and amendments thereto, if accepted by
85 the Board, may be transferred to the Bank by a good and sufficient deed by the County
86 Clerk upon a written order from the Board of County Commissioners.

87 Section 6. That the Code of the City of Topeka, Kansas, is hereby amended
88 by adding a section to be numbered 2.260.060, which said section reads as follows:

89 **Administration of property.**

90 Pursuant to K.S.A. 12-5907 and amendments thereto, the Board shall assume
91 possession and control of any property acquired by it and shall hold and administer
92 such property. In the administration of property, the Board shall:

93 (a) Manage, maintain and protect or temporarily use for a public
94 purpose such property in the manner the Board deems appropriate;

95 (b) Compile and maintain a written inventory of such property;

96 (c) Study, analyze and evaluate potential, present and future uses for
97 such property which would provide for its effective reutilization;

98 (d) Plan for and use the Board's best efforts to consummate a sale or
99 other disposition of Bank property upon such terms and conditions deemed
100 appropriate, except that the Board shall not transfer any property to be utilized as
101 rental property; and

102 (e) Sell property acquired by the Bank upon such terms and conditions
103 allowed by K.S.A. 12-5908 and amendments thereto.

104 Section 7. That the Code of the City of Topeka, Kansas, is hereby amended by
105 adding a section to be numbered 2.260.070, which said section reads as follows:

106 The City Manager shall have authority to veto any recommendations of the Board
107 as it relates to purchases, acquisitions, sales and transfers of property.

108 Section 8. This ordinance shall take effect and be in force on ~~May~~ July 1, 2023
109 after its passage, approval and publication in the official City newspaper. Pursuant to
110 K.S.A. 12-5902(d), the Bank will be dissolved on December 31, 2026; or by ordinance
111 prior to December 31, 2026.

112 Section 9. All ordinances, resolutions or rules, or portions thereof, inconsistent
113 with the provisions of this ordinance are hereby rescinded or repealed.

114 Section 10. Should any section, clause or phrase of this ordinance be declared
115 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
116 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

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PASSED AND APPROVED by the Governing Body May 16, 2023.



CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 1, 2024

DATE: October 1, 2024
CONTACT PERSON: **DOCUMENT #:**
SECOND PARTY/SUBJECT: Public Comment **PROJECT #:**
Protocol
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
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DOCUMENT DESCRIPTION:

PUBLIC COMMENT PROTOCOL

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

Governing Body Rule 5.5

(c) **Public Comment on a specific agenda item:** Comments from members of the public concerning a specific agenda item will be heard at the time the item is considered. Persons will be limited to addressing the governing body one (1) time on a particular matter unless otherwise allowed by a vote of six (6) or more members of the governing body.

(d) **General public comment:** Requests by members of the public to speak during the public comment portion of a regular governing body meeting will be placed on the agenda on a "first-come, first-served" basis. The request should state the name of the individual(s) desiring to be heard. Each such individual shall be limited to addressing the governing body one (1) time and his or her comments shall be limited to topics directly relevant to business of the governing body; provided however, that comments pertaining to personnel and litigation matters shall not be allowed.

Procedures for Addressing the Governing Body

In accordance with Governing Body Rules 5.6 and 5.7, the following protocols for public comment apply:

- Each person shall state his or her name and city of residence in an audible tone for the record.
- All remarks shall be addressed to the Governing Body as a whole -- not to any individual member.
- In order to provide additional time for as many individuals as possible to address the Governing Body, each individual signed up to speak will need to complete his or her comments within four minutes.

The following behavior will not be tolerated from any speaker:

- Uttering fighting words
- Slander
- Speeches invasive of the privacy of individuals (no mention of names) Unreasonably Loud Speech
- Repetitious Speech or Debate
- Speeches so disruptive of proceedings that the legislative process is substantially interrupted

Any speaker who engages in this type of behavior will be warned once by the presiding office (Mayor). If the behavior continues, the speaker will be ordered to cease his or her behavior. If the speaker persists in interfering with the ability of the Governing Body to carry out its function, he or she will be removed from the City Council Chambers or Zoom meeting room.

Members of the public, Governing Body and staff are expected to treat one another with respect at all times.

Zoom Meeting Protocol

- Make sure your Zoom name, email and/or phone number matches what was submitted to the City Clerk when you signed up for public comment. Any misnamed or unauthorized users will not be admitted to Zoom.
- Please keep your mic muted and your camera off until you are called by the Mayor to give your comment.
- If you are cut off during your comment time due to an internet connection or technical issue, you will need to submit your comments in writing to the City Clerk at atcclerk@topeka.org 215 SE 7th Street, Room 012B, Topeka, KS 66603 for attachment to the minutes.
- If you break any of the public comment rules, you will receive one warning from the Mayor. If you continue any prohibited behavior, you will be removed from the Zoom meeting room and will not be allowed to rejoin.
- Public comment is limited to four minutes. You may receive an extension at the discretion of the Governing Body. The timer will be visible to you in the 'City of Topeka Admin' window on the Zoom app. Call-in users will hear one beep when a minute is remaining and then another beep when time has expired.
- Please do not share the Zoom login information with anyone. Any unauthorized users will not be admitted to the Zoom meeting room.

BUDGETARY IMPACT:

SOURCE OF FUNDING: