CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, April 6, 2021. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Padilla, Dobler and Duncan - 4; and the following Councilmembers participating remotely: Valdivia-Alcala, Ortiz, Emerson and Naeger - 4. Mayor De La Isla presided - 1. Absent: Councilmember Lesser -1.

Public comment for the meeting was available via Zoom or in-person. COVID-19 pandemic public safety mandates allowed for 15 people inside the Council Chambers to observe the meeting at one time. Individuals were required to 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 April 6, 2021, after which the City Clerk's Office provided the Zoom link information and protocols prior to the meeting start time. Written public comment was also considered to the extent it was personally submitted at the meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at cclerk@topeka.org on or before April 6, 2021, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Duncan provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20288 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period January 30, 2021 through February 26, 2021, and enumerating said expenditures therein, was presented.
MINUTES of the regular meeting of March 16, 2021, and the special meeting of March 29, 2021, was presented.

APPROVAL of a cereal malt beverage license application for Compass Point located at 800 N. Kansas Avenue was presented.

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

ORDINANCE NO. 20289 introduced by Councilmember Spencer Duncan, concerning all night retailer business licenses, repealing Topeka Municipal Code § 6.5.10.220 and Chapter 5.20, was presented.

Councilmember Duncan, reported the ordinance was discussed at the March 16, 2021, Governing Body meeting and if approved, would repeal the All Night Retailers License an outdated process with a small fiscal note attached.

Councilmember Duncan moved to adopt the ordinance. The motion was seconded by Councilmember Padilla.

Councilmember Ortiz inquired on the purpose of the license.

Brian Wheeles, Interim Police Chief, reported the ordinance addressed nuisance and problem establishments; however, there are now other ordinances in place to regulate such problems.

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Padilla, Naeger, Dobler, Duncan and Mayor De La Isla -9.

ORDINANCE introduced by City Manager Brent Trout, concerning fire and police management ordinances, amending Chapters 2.30 and 2.35 of the Topeka Municipal Code, was presented.
Brent Trout, City Manager, stated the ordinance was discussed at the March 16, 2021 Governing Body meeting and the update will insert language inadvertently removed along with other clean up items in Topeka Municipal Code. He stated staff recommends approval as presented.

Councilmember Emerson expressed concern with forced retirement due to age.

Lisa Robertson, City Attorney, reported State law regulates retirement age at 55 years; however, the City was proposing 60 years of age for firefighters and 67 years of age for police officers, due to public safety issues related to fit for duty job requirements.

Jacque Russell, Human Resource Director, reported Human Resources could invoke a fitness for duty examination if needed; however, no other City of Topeka positions have an age limit for retirement. She noted the Fire Department has stressed to the Human Resources Department, the importance of not working past the age of 60 due to the hazards of the job.

Councilmember Padilla stated he understands the concern expressed by Councilmember Emerson; however, speaking as a retired police officer, all officers have to be physically fit to perform the job safely and ensure the safety of their partner.

Councilmember Duncan asked why the Fire and Police Chief positions are exempt from the requirement.

Bill Cochran, Chief of Staff, stated those positions are usually contracted, excluding them from the requirement.

Brian Wheeles, Interim Police Chief, reported the Police Department supports the ordinance as presented. He noted he would not expect a Police Chief to be working at the age of 67.
Councilmember Hiller expressed concern with regulating statutes being outdated and having a policy in place that would have unintended consequences.

Brent Trout stated he does not believe there would be issues as the policy was in place for many years.

Councilmember Naeger moved to adopt the ordinance. The motion seconded by Councilmember Padilla failed. Councilmembers Hiller, Duncan, Valdivia-Alcala and Emerson voted “no.” (4-4-0)

SELECTION of one City Council voting representative to serve a three-year term on the Friends Of Topeka Zoo (“FOTZ”) Board of Directors, was presented.

Brent Trout, City Manager, reported pursuant to City of Topeka Contract No. 49243, one City Council Member representative should be selected to serve as a voting member on the FOTZ Board of Directors.

Mayor De La Isla stated because they are still in a virtual meeting setting, the selection would take place on “Roll Call” vote as opposed to written ballots. She noted she would open the floor for nominations followed by “Roll Call” vote for each person nominated until a nominee receives six (6) affirmative votes.

Councilmember Emerson nominated Councilmember Lesser to serve on the FOTZ Board due to his active interest in the Zoo and his work on the Zoo Master Plan. He reported he spoke with Councilmember Lesser and confirmed he would like to serve on the Board.

Governing Body members expressed concern with selecting a representative that was not physically present at the meeting to accept the nomination and setting further precedence.

Councilmember Ortiz suggested the item be deferred for one week to allow Councilmember Lesser to be physically present to accept the nomination.
Councilmember Ortiz moved to defer the selection of a FOTZ Board member until April 13, 2021. The motion seconded by Councilmember Valdivia-Alcalá carried unanimously on roll call vote. (9-0-0)

ORDINANCE NO. 20290 introduced by City Manager Brent Trout, revising the Topeka Municipal Code by amending Title 11 and repealing Section 2.20.130 to reflect the recent transition of management and operation of the Topeka Zoo and Conservation Center to Friends of the Topeka Zoo ("FOTZ"), was presented.

Brent Trout, City Manager, reported staff based the proposed ordinance language on the License and Management Agreement between the City and Friends of the Topeka Zoo ("FOTZ"), pursuant to which FOTZ assumed responsibility for managing and operating the Topeka Zoo and Conservation Center effective April 3, 2021.

Councilmember Dobler moved to adopt the ordinance. The motion seconded by Councilmember Naeger carried. (7-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Emerson, Padilla, Naeger, Dobler, Duncan and Mayor De La Isla -8. Nays: Councilmember Valdivia-Alcalá -1

DISCUSSION of the Fire Commission recommendations regarding the appropriate level and type of fire service for the City of Topeka was presented.

Sandra Clear, Fire Commission Chair, thanked the Fire Commission for their service.

She stated she believes it was a good process that provided a lot of useful information.

Brent Trout, City Manager, reported on December 17, 2019, the Governing Body authorized the purchase of land (Contract No. 48289) near SW 6th Street, for the potential use as a future location for a fire station. During the discussion, the Governing Body voted to establish
an ad hoc committee to review fire service for the City of Topeka consisting of City Council Members, Fire Department personnel, citizens and others who work in the related area of fire protection. Fire Commission meetings were conducted in November and December 2020; and January, February and March 2021, resulting in the following recommendations:

1. The Fire Department should continue to provide both medical and fire call service.
2. The Fire Department should continue to provide Advanced Life Support (ALS) service where possible in the city.


4. Repair all maintenance issues to ensure all stations are in working condition and develop a timeline for completion of these repairs, and develop a schedule to maintain all up keep on all stations.

5. Station 13 - Analyze what type of station will fit the needs of the area. For example, should the station be built, as a two bay or three bay station, and should the rescue boat be housed at this location. The additional personnel needed to staff Station 13 will be hired above the amount currently authorized for staffing in the Fire Department. The additional personnel will be needed because the recommendation is to keep Station 1 and Station 11 open and fully staffed at the time Station 13 opens. Upon completion of Station 13, the need for additional stations will be re-evaluated.

6. A risk assessment led by the Local Emergency Planning Committee and Errin Mahan, Interim Director of Shawnee County Emergency Management, will be considered in determining what number of stations and the type of apparatus is needed on the north side of Topeka. The concerns regarding industry hazards will dictate the decisions on these two areas. The commodity flow study determines what hazards exist in Shawnee County including the City of Topeka. Exercises are being conducted to determine where improvement is needed in the areas of equipment, personnel and apparatus.

7. The current apparatus replacement schedule will continue to be followed.

8. Commission recommends a subcommittee be formed to study in detail what each station needs. The subcommittee would report to the Public Infrastructure Committee that reviews capital expenditures.

9. Commission recommends the immediate use of any and all available Covid-19 funding to complete identified maintenance projects as quickly as possible in compliance with federal guidelines for usage of funds.

The following individuals served on the Fire Commission:

- City Manager Brent Trout, Co-Chair
- Sandra Clear, Co-Chair and former Councilmember
- Councilmember Sylvia Ortiz
- Councilmember Christina Valdivia-Alcala
- Councilmember Mike Lesser
- Topeka Fire Chief Craig Duke
Commission Chair Clear stated there was a strong recommendation by the Commission to
repair all existing fire stations as a first priority.

Councilmember Valdivia-Alcala thanked the citizens and firefighters that participated in
the meetings and discussion as well as Oakland neighborhood businesses for their input. She
referenced heated discussions related to keeping Station 11 open, building a new Station 13, and
that budget discussions will be the responsibility of the Governing Body. She expressed the
importance of the City tracking renovations and repairs of the existing stations to make certain
repairs take place in a timely manner.

Councilmember Ortiz expressed the importance of continuing to evaluate fire services to
help the City make a determination on the type of fire service plan needed in the future.

Brent Trout reported there would be a need to analyze services again in five or six years
in order to understand where the growth was happening in the city and determine the next phase
of overall Fire Department services.

Councilmember Dobler questioned the feasibility of building a new Fire Station in five
years compared to utilizing mutual aid agreements with surrounding fire departments to address
response time inefficiencies immediately. He referenced the absence of a fire station located
south of SW 37th Street, and the serious repercussions it could have due to the number of large
industrial companies located in that area.
Councilmember Duncan thanked the Commission for their work and stated he has no
issue with the recommendations or the importance; however, he concurs with Councilmember
Dobler and believes the City does not have five years to consider the future of the City’s Fire
Department. He expressed the importance of fully understanding what the recommendations
mean as well as associated needs so the Governing Body can start making decisions on the future
of the Fire Department. He discouraged implementing any more studies and asked citizens to
provide their ideas on how to finance all the needed repairs on existing fire stations and build a
new fire station.

Councilmember Naeger encouraged Governing Body members to be realistic about the
tough fiscal decisions related to funding the recommendations. She expressed her support of
repairing existing fire stations; providing educational opportunities; and remaining cautious
when expanding Advanced Life Support (ALS) services. She inquired if the Commission
discussed collaborating with the Metropolitan Topeka Airport Authority (MTAA) Fire
Department.

In response, Brent Trout stated the City has agreements with the MTAA as well as the
Army National Guard Fire Department to provide better coverage in the industrial area of
District 7 that has longer response times. He reported available funding will determine when a
new fire station will be built; Staff could begin reviewing potential funding before five years,
however, this would be a policy decision of the Governing Body as it relates to the CIP; there are
three fire stations that provide ALS Service and staff continues to look at what additional stations
could provide the service in the future; educational opportunities will continue to be provided to
Fire Department Staff; and Staff will continue to study response times and training as they move
forward with the overall fire service plan.
Councilmember Valdivia-Alcala reported the Commission only began discussion on potential funding sources, which included an additional sales tax. She agrees there is a need to start having the tough discussions on how to fund this important public safety project. Commission Chair Clear thanked the Governing Body for allowing her to serve on the Commission and noted she will continue to monitor the progress of the City as it relates to moving forward with the recommendations in a timely manner. Councilmember Dobler referenced a fire station located within four minutes of his residence and inquired how mutual aid agreements work. He inquired if the mutual aid agreements take precedence over City of Topeka Fire Stations responding to incidents. He stressed the importance of provided equal incident response times to all parts of the city as well as the fiscal advantages of working with all mutual aid partners to come up with a solution - before moving forward with the large expense of building new stations. Chief Duke explained the mutual aid process. He stated he was willing to negotiate with all seven mutual aid partners. Councilmember Hiller asked if there were plans to convene a group to continue discussions on the fire stations, including the review of all the different studies to analyze the information and understand needed services in all parts of the city. She noted she believes the cost will be much higher to build new fire stations as it relates to personnel and spoke in support of including mutual aid partnerships as part of the overall plan. Brent Trout reported discussions would begin shortly after 2022 budget deliberations are complete. Councilmember Emerson stated he concurs with Councilmember Dobler regarding the importance of having productive mutual aid agreements in place with all local partners.
Councilmember Hiller referenced the split in support by the Commission as it relates to funding resources such as increased taxes.

Brent Trout agreed the Commission was unsure about funding sources and instead concentrated on recommendations.

Councilmember Valdivia-Alcalá stated the members were unclear on their role as it relates to the funding piece; however, they were more than willing, and still are ready to discuss all funding options.

Mayor De La Isla encouraged the Governing Body to send any new comments to the City Manager so he can compile for future discussions and final recommendations.

PUBLIC COMMENT was provided by the following individual:

Steven Henry, Topeka JUMP, spoke in support of the nationwide Oxford House program, an after care home for those recovering from addictions. He explained the need for more Oxford Houses in the Topeka area, providing an opportunity for more people to stay in recovery and out of jail. He invited the Governing Body to attend the Nehemiah Action Assembly on April 26, 2021, at 7:00 p.m. via Zoom.

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

Brenda Younger, City Clerk, provided an overview of the April 13, 2021, Governing Body agenda.

Brent Trout, City Manager, introduced the new City of Topeka Public Work’s Director, James Jackson. He announced the Zoo transition was complete aside from a couple Information Technology (IT) issues and thanked City Staff for their hard work and great accomplishment.
James Jackson, Public Works Director, thanked the Governing Body and the City Manager for allowing him to serve the citizens of Topeka.

Mayor De La Isla welcomed Public Works Director Jackson. She announced a new strain of the COVID-19 virus has been confirmed in Shawnee County. She urged citizens to continue wearing a mask and to visit the Shawnee County website for more information on the COVID-19 vaccine.

Councilmember Duncan thanked citizens for attending his “open hours” event on April 3, 2021. He thanked Staff on multiple levels in the Utility, Police and Public Works Departments for responding to numerous incidents in his district.

Councilmember Hiller requested Governing Body members report quarterly on what occurs in each district and expressed her appreciation to Staff during this busy time of the year. She announced the Topeka Tulip Time Tour would run from April 9-25, 2021, and encouraged citizens to participate in the many events held throughout the city.

Councilmember Valdivia-Alcalá announced the Oakland Community Garden Ground Breaking Ceremony on April 10, 2021 at 9:00 a.m. She thanked the core volunteers and local businesses that have donated to make the Community Garden a reality. She announced a community meeting on April 25, 2021 at 2:00 p.m. at Lundgren Elementary School to continue discussions on how to reduce crime and eliminate drug houses. She urged citizens to continue to wear masks and take care of each other as it relates to the COVID-19 pandemic.

Councilmember Naeger thanked the Mayor for her service. She encouraged citizens to schedule their COVID-19 vaccine and to continue to wear a mask and take care of each other.

Councilmember Dobler welcomed new Public Works Director Jackson. He referenced the comments made by Steve Henry and expressed the need for more services in the city related
to addition recovery. He stated he was confident the City could find a way to provide adequate
fire service coverage to all areas of the city and noted the City has been able to overcome many
other major issues in the community with large fiscal notes attached.

Councilmember Emerson moved to recess into executive session for a period of time not
to exceed 45 minutes to discuss upcoming employer-employee negotiations, as justified by KSA
75-4319(b)(3). In order to aid the discussion, the following individuals were present: Members
of the Governing Body; City Manager, Brent Trout; Chief of Staff, Bill Cochran; Administrative
& Financial Services Director, Jessica Lamendola; Human Resources Director, Jacque Russell;
Fire Chief, Craig Duke; Senior Assistant City Attorney, Catherine Walter; Budget and
Performance Manager, Stephen Wade; and City Attorney, Lisa Robertson. The motion seconded
by Councilmember Padilla carried unanimously on roll call vote. (9-0-0)

Following a 45-minute time period the meeting reconvened into open session and Mayor
De La Isla announced no action was taken.

Councilmember Dobler moved to recess into executive session for a period of time not to
exceed 30 minutes to discuss confidential employments matters pertaining to nonelected
personnel, as justified by KSA 75-4319(b)(1). In order to aid the discussion, the following
individuals were present: Members of the Governing Body and City Manager, Brent Trout. The
motion seconded by Councilmember Naeger carried unanimously on roll call vote. (9-0-0)

Following a 30-minute time period the meeting reconvened into open session and Mayor
De La Isla announced no action was taken.

NO FURTHER BUSINESS appearing the meeting adjourned at 9:00 p.m.

(SEAL)

Brenda Younger
City Clerk