

Governing Body Minutes – April 21, 2020

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, April 21, 2020. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers participating remotely: Hiller, Valdivia-Alcala, Ortiz, Emerson, Padilla, Naeger, Dobler, Duncan and Lesser -9. Mayor De La Isla participating remotely presided -1.

AFTER THE MEETING was called to order, Captain Christian Lopez, Salvation Army, provided the invocation.

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

THE CONSENT AGENDA was presented as follows:

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

APPROVAL of the following Open After Midnight licenses was presented:

<u>Business Name</u>	<u>Address</u>
Buffalo Wild Wings	1227 SW Wanamaker Road
Midwest Elks Lodge #1441	1316 SE Madison Street
The Boobie Trap Bar	1417 SW 6 th Avenue

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

ORDINANCE NO. 20243 introduced by City Manager Brent Trout, adopting the recodification of ordinances of the City of Topeka, Kansas, also known as the Topeka Municipal Code, pursuant to K.S.A. 12-3014 and 12-3015, was presented.

Brent Trout, City Manager, reported the recodification of the Topeka Municipal Code included a complete correlation of all legislation approved and adopted in final form by the City of Topeka with regard to current county, state and federal statues, obsolete provisions, duplications and inconsistencies within the ordinance and within state statutes. He stated the

methodology in arriving at the changes to be made to the legislation will allow the City to move forward with making minor changes to the code as well as publication of the code in hard copy and electronic form.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Naeger carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Padilla, Naeger, Dobler, Duncan, Lesser and Mayor De La Isla -10.

ORDINANCE NO. 20244 introduced by City Manager Brent Trout, concerning compensation of the Mayor and Councilmembers, amending City of Topeka Code Section 2.15.010, was presented.

Brent Trout, City Manager, stated approval of proposed revisions to Topeka Municipal Code Section 2.15.010, provides Governing Body members with the ability to reduce their salaries for an established period of time through approval of a resolution by the Governing Body.

Councilmember Valdivia-Alcala moved to table the ordinance for the purpose of (1) staff providing more detailed information regarding potential reductions to the utility fund budget and parking fund budget; (2) potential reductions to the reserve funds; (3) allow Governing Body members time review the responses received from unions concerning salary and/or position reductions, and; (4) verify if any of the 2020 capital improvement plan (CIP) projects could be delayed or rescheduled. She expressed concern with the lack of transparency in the process and stated she believes she has been giving incomplete information regarding financial forecasts. She encouraged the Governing Body to slow the process until more thorough discussions have been conducted. The motion was seconded by Councilmember Ortiz.

Councilmember Ortiz asked if all Governing Body members have received the same information regarding the financial forecast and salary reductions.

Brent Trout confirmed all Governing Body members have received the same financial forecast information regarding budget cuts, the use of reserve funds and salary reductions.

Councilmember Ortiz stated she has received a large number of complaints from citizens expressing the importance of the Governing Body taking the lead and setting an example through the reduction of their salaries.

Brent Trout reported he will be taking a 6% salary reduction, all non-union employees (management and executive staff) will be taking a 3% salary reduction, and they are currently negotiating with the eight bargaining units regarding salary and/or position reductions.

Councilmember Valdivia-Alcala asked what the budgetary impact would be if the salary reduction was approved.

Lisa Robertson, City Attorney, reported the total saving will be \$3,911.

Councilmember Lesser stated he has no issue with the need for additional information by Councilmember Valdivia-Alcala; however, the request does not relate to the proposed ordinance be considered.

Councilmember Naeger stated she concurs with Councilmember Lesser in regards to the need for additional information. She expressed the importance of the Governing Body taking the responsible measure of reducing their salaries during difficult times.

Councilmember Padilla spoke in support of the ordinance as presented. He stated the request for additional information should be addressed at a different time, as the ordinance will have no effect on the unions. He expressed the importance of the Governing Body contributing to the impending financial crisis of the City and community.

Councilmember Dobler spoke in support of the ordinance and stated it provides an opportunity for the Governing Body to show leadership during this difficult time. He recognized there will be other issues to be vetted and discussed; however, this action will only affect the salaries of the Mayor and Councilmembers.

Councilmember Hiller spoke in support of the ordinance as presented and expressed the importance of the Governing Body taking leadership during this difficult time.

Councilmember Valdivia-Alcala withdrew the motion. The second concurred.

Councilmember Padilla moved to adopt the ordinance. The motion seconded by Councilmember Hiller carried unanimously. (9-0-0) Mayor does not vote.

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

RESOLUTION NO. 9171 introduced by Council Member Christina Valdivia-Alcala reducing the salaries of the Mayor and Councilmembers, was presented

Brent Trout, City Manager, reported the approval of the resolution would provide for a 3% reduction in compensation for Governing Body members starting with pay period beginning May 2, 2020, and remain in effect through the pay period ending December 11, 2020.

Councilmember Valdivia-Alcala moved to approve the resolution. The motion was seconded by Councilmember Padilla.

Councilmember Ortiz thanked Governing Body members for moving forward with the salary reduction and leading by example for City employees.

Councilmember Duncan expressed the importance of the Governing Body taking the lead for all City employees; however, he strongly opposes the overall reduction of salary for City employees.

Councilmember Emerson thanked City Manager Trout for accepting a 6% reduction in salary. He suggested a friendly amendment to reduce only the salary of Councilmembers by 6%.

Councilmember Valdivia-Alcala accepted the friendly amendment. The second concurred.

Mayor De La Isla thanked Councilmember Emerson for his proposal and stated she also would be willing to reduce her salary by 6%. She stated she would oppose a pay reduction for public safety employees and expressed the importance of working as a team during this difficult time.

Councilmember Dobler stated he would support the additional 3% reduction and commended the Governing Body for their leadership. He stated he opposes across the board cuts for City employees especially the frontline workers in the Street and Water Departments.

Councilmember Valdivia-Alcala stated she agrees the Governing Body needs to provide leadership through a salary reduction. She expressed the importance of having additional conversations and working together as a team.

Councilmember Padilla expressed the importance of Governing Body members working together as a team during these difficult times and considering all options before a final decision was made.

Councilmember Hiller expressed the importance of the Governing Body working together and leading by example as a team. She challenged Governing Body members and staff to review the 2021 operating budget in detail and consider immediate short-term solutions as well as long-term solutions. She expressed the importance of figuring out how to protect City employees as well as City vital programs.

The motion to approve the resolution as amended with a 6% salary reduction for Mayor

and Councilmembers carried unanimously. (10-0-0)

PUBLIC COMMENT: Due to the public safety mandates surrounding the COVID-19 pandemic there will be no in-person public comment; however, written public comment may be submitted by email or in writing to the City Clerk for attachment to the minutes. -- Email: cclerk@topeka.org -- Address: 215 SE 7th Street, Room 166, Topeka, Kansas, 66603.

The following individuals submitted public comments via electronic mail: Ron Slocum, Mrs. Elissa Wurtz, George Peterson, Clark W. Trammell, Jerry Reece, Darrell Foster, Joseph R. Ledbetter, and Debi S. Smith. (*Attachment A*)

ANNOUNCEMENTS BY THE CITY MANAGER AND MAYOR ;

Brent Trout, City Manager, provided an overview of the May 5, 2020, preliminary agenda. He announced the Topeka Zoo was awarded a \$1,500 Collegiate Cares COVID-19 Grant from Topeka Collegiate; and seven new Topeka firefighter recruits started the Topeka Fire Department Academy on April 20, 2020. He also announced the Topeka and Shawnee County Public Library will provide Shawnee Heights District students internet access via bookmobiles in the parking lot of Topeka Correctional Facility located at 815 SE Rice Road, from 8:30 a.m. to 3:30 p.m. Mondays, Wednesdays and Fridays.

Mayor De La Isla thanked the many church organizations for offering free food during the safer at home order and as it continues. She reported the COVID-19 virus remains a serious threat to the community and they are working with the State on the recovery of the community and through the expansion of task forces. She thanked the City Administration for working with unions and remaining steadfast during these difficult times

Councilmember Naeger stated she remains in discussions with other community leaders, organizations, and citizens in regards to how to help the community recovery including

determination of intermediate and long-term goals. She asked interested volunteers to contact Governing Body members and get involved.

Councilmember Hiller thanked Capital Federal Bank for providing a relief center and community action center. She thanked all frontline workers in all industries for their continued contributions to the community.

Councilmember Valdivia-Alcala thanked citizens for working hard to stay healthy. She asked the community to come together and stay safe and take care of each other.

Councilmember Ortiz thanked Mayor De La Isla for her continued leadership as well as her outreach programs for children and adults.

Councilmember Naeger moved to recess into executive session for a period of time not to exceed 20 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; Deputy City Manager, Doug Gerber; Administrative and Financial Services Director, Jessica Lamendola; Human Resources Director, Jacque Russell; Senior Assistant City Attorney, Catherine Walter; and City Attorney, Lisa Robertson. No action was anticipated to be taken when the open meeting resumed in the Governing Body Chambers. The motion seconded by Councilmember Emerson carried. Councilmember Ortiz voted “no.” (9-1-0)

Following a 20-minute time period the regular meeting reconvened into open session and Mayor De La Isla announced no action was taken.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 10 minutes to continue discussion on upcoming employer-employee negotiations, as justified by KSA 75-4319(b)(3). In order to aid the discussion, the following individuals were

present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Administrative and Financial Services Director, Jessica Lamendola; Human Resources Director, Jacque Russell; Senior Assistant City Attorney, Catherine Walter; and City Attorney, Lisa Robertson. No action was anticipated to be taken when the open meeting resumed in the Governing Body Chambers. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

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

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:36 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

Brenda Younger

From: Brenda Younger
Sent: Monday, April 20, 2020 1:55 PM
To: Governing Body
Cc: Brent Trout; Douglas Gerber; Lisa Robertson
Subject: FW: Wage reduction

From: Ron Slocum [<mailto:ronslocum257@gmail.com>]
Sent: Monday, April 20, 2020 1:45 PM
To: Brenda Younger
Subject: Re: Wage reduction

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm only wanting the city council members and the city manager taking the pay reduction. I would like to see how you can warrant your pay when we have so many businesses closed and the employees receiving the small amount of unemployment pays.

On Mon, Apr 20, 2020 at 11:55 AM Brenda Younger <BYounger@topeka.org> wrote:

Mr. Slocum,

I will forward your comments to the Governing Body.

Thank you.

From: Ron Slocum [<mailto:ronslocum257@gmail.com>]
Sent: Monday, April 20, 2020 10:46 AM
To: City Clerk
Subject: Wage reduction

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

It is funny the council is offering to take a 3% reduction when we have so many people without any income. The majority of the council have a second and just was able to vote yourself double compensation in

2016. Ask the public if they think going back to the 2016 wages is more realistic with the loss of revenue the city has lost.

Brenda Younger

From: Brenda Younger
Sent: Monday, April 20, 2020 11:30 AM
To: Governing Body
Cc: Brent Trout; Douglas Gerber; Lisa Robertson
Subject: FW:

Governing Body Members,

Please see email below – thanks.

From: Elissa Wurtz [<mailto:elissawurtz@gmail.com>]
Sent: Monday, April 20, 2020 10:43 AM
To: City Clerk
Subject:

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I think that cutting anyones pay during this Pandemic is an awful example of our city

Mrs. Elissa Wurtz

Brenda Younger

From: Brenda Younger
Sent: Monday, April 20, 2020 10:35 AM
To: Governing Body
Cc: Brent Trout; Douglas Gerber; Lisa Robertson
Subject: FW:

Governing Body Members,

See email below – thanks.

From: George Petersen [<mailto:george.petersen@gmail.com>]
Sent: Monday, April 20, 2020 9:50 AM
To: City Clerk
Subject:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

It would seem to many of us that the Mayor and City Council members should think seriously about forgoing their salaries as they took those jobs that should not be a career job but something to serve the public interest. To save a further burden on the out of work taxpayers of this city, why not CANCEL the huge rate increase on everyone's water bill. Had the city managers not raided the city water fund when there was a surplus (1970's \$25M surplus) to fund un-necessary projects that were feel good projects. It seems that whenever there is a crisis the first thing is to cry wolf and say there isn't enough \$'s and fire and police must bear the burden or there will have to be a raise in our taxes. Maybe the Mayor and city council members go back and learn to balance their own check books. When the \$'s are gone STOP all un-necessary projects. George Petersen, one of many taxpayers that are fed up with having the national media list us as one of the states with the highest burden on the citizen taxpayers.

Brenda Younger

From: cwillet@aol.com
Sent: Friday, April 17, 2020 11:21 PM
To: City Council; Michelle De La Isla; Brenda Younger
Subject: Topeka City Council Business

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

DATE: April 17, 2020
To: City Council/Mayor
CC: City Clerk
Fr: Clark W. Trammell
Re: Public Comments - Council Meeting of April 21, 2020

I submit the following public comments to you for review and consideration with a copy to the City Clerk to make this a part of the public record.

I have several topics I would like to comment on that I feel are of vital business, operational and community issues. I have outlined these topics with a separate heading for each one.

BUDGET

In light of the current City Budget issues as presented recently to you and the public it is imperative to consider and administer the following processes:

(*) I have presented in person, at council meetings and via email (as have others) for at least 2 years the need for the city to **“do more with less”**. When running for City Council I had this discussion with city department heads and other community leaders/activists. At one city council meeting in 2019 Mr. Filander made a department report on how they were processing almost twice as many building permits to date than in 2018. I followed up in my presentation with the comment that he had just acknowledged that his department can do more with less having processed a much larger work load with the same staff.

The city has workforce capacity and examples of that beside the above example have been presented to you by others. Yes our city revenue will be diminished for some time due to the corona virus situation, however there are ways within your leadership capacity to deal with this and minimize the operational stricture beyond salary cuts etc. by simply managing the staff/operations tighter/better and doing more with less. Another example that you are sensitive to is increasing performance capacity using technology.

REVENUE

Again, I have presented to you for at least two years the need to directly focus and discuss the revenue side of the ledger. You constantly at meetings only discuss the expense side and related cost scenarios but not how to generate revenue beyond the basic city revenue lines. With all the think tank groups within the GTP and other community leadership groups this is a topic that should be assigned to one of these talent pools to look at additional revenue troughs and opportunities that the city should consider and develop. A direct focus on just revenue generation/creation. The city must step up and aggressively create public/private partnerships as a revenue generator investing directly in the growth of Topeka/Shawnee Co.

A sub-part discussion is we must think “Global Economy”. I have made this presentation to you for a long time and it is now in our face as another revenue avenue available to the City and Shawnee Co. Create a N.E. Mayors Council as the head of the initiative and come up with products and services that by combining global economic resources becomes a long-term revenue generator using collective resources and opportunities that work by utilizing the N.E. Kansas collective whole.

CIP

I believe there is a much better way to implement the CIP program. This idea was presented to you by Joe Ledbetter adding his talent to the idea. It is a business approach that is simple to implement and a win-win for both the City, City Council and Community (transparency).

Simple 2 step process; (1) approve those projects presented by the City Manager that fit into the CIP (2) when it is time to act on a CIP project it comes back to the City Council for review and funding approval. This will allow you the opportunity to confirm the CIP project as originally approved is still current and correct as designed in the recommendation as well as opens up the transparency to the taxpayer/citizens for their review, input and discussion before funding is approved.

NARROWING OF 12TH STREET

It is important to keep this project/subject alive and on your radar. In the recent past a very committed and informed group of community citizens met with the City Manager to ask him to put this back on the City Council agenda for re-consideration. He refused, which is not acceptable nor appropriate process for such a project. The majority of the community as supported by several input polls on this project **DO NOT** want to see 12th street narrowed. The improvements are acceptable to some design degree but not the narrowing. Please don't lose sight of this issue and community concern. Put the brakes on it's process until you as the City Council can review this matter with community input and discussion. The city comments it had numerous community meetings on this project, that is correct, I attended 3, however they were presentations NOT conversations, a sales job approach not an open minded, transparent give and take. This matter needs your attention.

I want to personally thank you all for your work during this corona virus debacle, be safe and be well.

Respectfully submitted,

Clark W. Trammell

Brenda Younger

From: Brenda Younger
Sent: Tuesday, April 21, 2020 8:30 AM
To: Governing Body
Cc: Brent Trout; Douglas Gerber; Lisa Robertson
Subject: FW: 3% wage cut

Governing Body Members,

Please see email below- thanks

From: Jerry Reece [<mailto:jreeceandl@att.net>]
Sent: Monday, April 20, 2020 7:02 PM
To: City Clerk
Subject: 3% wage cut

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To the Mayor, City Manager and City Commissioners,
I agree with a 3% wage cut, but not for Police Men and Women, Firefighters and First Responders. This unique group put their lives on the line 24/7 to protect every Topeka citizen including the City Commissioners and the homeless. They and their families are at a greater risk due to the pandemic. Many other cities are considering giving them a temporary raise during this stressful and dangerous time.
It should not matter if they are union or not. Please reconsider and be creative. Don't make the mistake of overlooking these brave individuals. Thank you. Jerry Reece Topeka 785-862-5206

Brenda Younger

From: Brenda Younger
Sent: Tuesday, April 21, 2020 2:37 PM
To: Governing Body
Cc: Brent Trout; Douglas Gerber; Lisa Robertson
Subject: FW: 3% pay reduction

Governing Body Members,

See comment below - thanks

From: Brenda Younger
Sent: Tuesday, April 21, 2020 2:34 PM
To: 'Darrell & Amy Foster'
Subject: RE: 3% pay reduction

Mr. Foster,

I will forward your comment to the Governing Body.

Thanks

From: Darrell & Amy Foster [<mailto:amyanddarrell@sbcglobal.net>]
Sent: Tuesday, April 21, 2020 2:17 PM
To: City Clerk
Subject: 3% pay reduction

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I am all for cutting the pay of the council and mayor. I keep hearing that we are all in this together. Please show me that you mean it.

Darrell Foster

Brenda Younger

From: Joe Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, April 21, 2020 3:14 PM
To: City Council; Michelle De La Isla
Cc: Brenda Younger; 'Neil Dobler'
Subject: Cuts to place in the Record My Ideas > "Do more less" ' These are my words only'. 4/21/2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings,

Governing Body:

We are in very interesting times. For the past several years we *should have* been trimming staff, except for Police and Fire since we are a shrinking city (we lost 5,000 population in seven years). *When* will we do that?

I have been asking that for the past several years. *Why 6* media folks for the city? Nobody on staff has watched costs.

Cut *all* travel costs. This is a clear duty of the manager/ and his team *to cut* costs and personnel.

I would *privatize water repairs*, and maybe even the oversight of the Water Department. I would also, favor *privatizing street repairs*. I see an opportunity to allow early retirement, esp. for non-essential staff.

Stop barrowing bonds-esp. Revenue Bonds for a period of time(perhaps a year). Reorganize Neighborhood Relations, Codes, and Planning and Development Services.

We can cut several \$ million quickly in my opinion.

Thank you.

Joseph R. Ledbetter, Attorney at Law

Law Office

1734 SW Van Buren St

Topeka, KS 66612

(785) 232-3700 Phone

(785) 232-3701 Fax

www.josephledbetter.com

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Brenda Younger

From: Debi Smith <debismith73@gmail.com>
Sent: Tuesday, April 21, 2020 4:24 PM
To: City Clerk
Subject: Cut in pay for police/fire

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The City Council should be ashamed of themselves for asking our Police/Fire/First Responders to take a cut in pay. These men and women risk their lives on a daily basis to help keep us safe and medically saving lives. If anything, they deserve a 3% raise. It disgusts me that you even presented this to our Police/Fire.

Debi S. Smith
6302 SW 48th Lane
Topeka, Kansas 66610