

## **Governing Body Minutes – December 15, 2020**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, December 15, 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 presided - 1.

Due to the increase of COVID-19 pandemic cases no in-person public comment was allowed. Zoom (virtual) meeting access was provided to those individuals signed up to speak to a specific item or general public comment. Public comment related to an item on the agenda was submitted in writing to the Office of the City Clerk, 215 SE 7<sup>th</sup> Street, Room 166, Topeka, Kansas, or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) to be included as an attachment to the minutes.

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

THE PLEDGE OF ALLEGIANCE was recited virtually by meeting participants.

A RECOGNITION CEREMONY for 2020 City of Topeka Retirees was conducted by Brent Trout, City Manager.

PRESENTATION on the Polk Quincy Viaduct Project was presented by Brian Armstrong, Bartlett & West Engineers, P.E., PTOE; and Greg Gonzalez, Steve Baalman and Kelly Kultala, Kansas Department of Transportation.

Councilmember Naeger asked if there were plans to perform work on the cross streets (4<sup>th</sup> Street to 10<sup>th</sup> Street) in the downtown area.

Brian Armstrong reported as part of the current project, the construction would stop somewhere between 4<sup>th</sup> and 6<sup>th</sup> Streets. He stated the 4<sup>th</sup> Street Bridge would be replaced and

engineers are considering options regarding removal of the pier located in the middle of 4<sup>th</sup> Street; and the bridges for 6<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup> Streets are included as part of the East Side Project.

Steve Baalman, Kansas Department of Transportation Metro Area Engineer, P.E. reported there would be significant repairs made to the railroad overpass bridge located immediately south of downtown as well as the Adams Street Bridge and Shunga Bridge, however, he was not sure of the project timeline.

Mayor De La Isla thanked the delegates who advocated for the project to help it become a reality.

CONSENT AGENDA was presented as follows:

APPROVAL OF MINUTES of the regular meeting of December 8, 2020, was presented.

APPROVAL of the following Cereal Malt Beverage license applications were presented:

<u>Business Name</u>	<u>Address</u>
Dickey's Barbeque Pit	609 NW Hwy 24
SuperMart El Torito	3000 NW Topeka Blvd

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

ORDINANCE NO. 20274 introduced by City Manager Brent Trout, amending City of Topeka Code Section 3.65.035 establishing a service fee levy for 2021 relating to the Topeka Tourism Business Improvement District and specifically repealing said original section, was presented.

Brent Trout, City Manager, reported approval would continue the \$1 service fee levy per paid occupied room per night on hotel room rentals.

Kurt Young, Topeka Lodging Association Executive Director, reported that the COVID-19 pandemic has had an impact on the Tourism Business Improvement District (TBID) revenue,

however, they were able to generate \$219,948.70 to help subsidize the operation of the Evergy Plaza as well as the TBID Advisory Board approved an additional payment of \$20,000 in May 2020 to be allocated to the Topeka Foundation to offset some of the revenue loss in the BID fund. He reported he looks forward to an exciting 2021 and recommends approval of the proposed ordinance.

Councilmember Hiller thanked Mr. Young and his team for programing the events held at the Evergy Plaza in 2020.

Councilmember Hiller moved to adopt the ordinance. The motion was seconded by Councilmember Ortiz.

Councilmember Duncan spoke in support of the Evergy Plaza as it will be a great asset for the downtown area and he stated he looks forward to enjoying the Plaza in the future; however, he opposes the fee service model being proposed because all hotels located in city limits pay the fee for one specific project in one specific location of the city.

Councilmember Hiller stated hotel owners across the city have embraced the project and supported the fee from its inception.

Kurt Young stated the fee process evolved from the efforts of the Lodging Association to create a public/private partnership for the imposition of a service fee. He noted hotel owners see the project as a benefit to tourism while benefiting the entire Topeka-Shawnee County area.

Councilmember Valdivia-Alcala spoke in support of the proposed ordinance and requested events planned at the Plaza reflect Topeka's diverse community as well as all ages of the population.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Hiller, Valdivia-Alcala, Ortiz, Emerson, Padilla, Naeger, Dobler, Lesser and Mayor De La Isla - 9. Councilmember Duncan voted “no” -1.

ORDINANCE NO. 20275 introduced by City Manager Brent Trout, providing for a nonexclusive franchise to American Medical Response (AMR) to operate an ambulance service within the City of Topeka until December 31, 2021, and replacing the franchise ordinance codified at City Code Appendix B, Article XI that will expire December 31, 2020, was presented.

Craig Duke, Topeka Fire Chief, reported there was a slight change made in the agreement to Section 6, related to reporting and data sharing.

Jon Antrim, Global Medical Response Regional Director; and Charles Huber, Global Medical Response Operations Manager, thanked the City for allowing AMR to continue serving the city and they look forward to the continued partnership.

Councilmember Emerson moved to adopt the ordinance. The motion seconded by Councilmember Valdivia-Alcala carried unanimously. Councilmember Dobler did not vote due to technical difficulties. (9-0-0)

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

RESOLUTION NO. 9205 introduced by Deputy Mayor Tony Emerson, cancelling certain Governing Body meetings for calendar year 2021, was presented.

Deputy Mayor Emerson reported approval would provide notice that meetings would not be held on August 3, 2021, Primary Election Day and November 2, 2021, General Election Day.

Councilmember Naeger moved to approve the resolution. The motion seconded by Councilmember Padilla carried. Councilmember Emerson voted “no.” Councilmember Dobler did not vote due to technical difficulties. (8-1-0)

ORDINANCE NO. 20276 introduced by Councilmember Hannah Naeger, concerning nondiscrimination ordinances, amending City of Topeka Code Section Sections 9.20.020 and 9.20.040, repealing original sections, as well as creating Sections 9.20.010, 9.20.030 and 9.20.050, was presented.

Councilmember Naeger stated the proposed ordinance only includes language updates to Title 9 of the Topeka Municipal Code and excludes the proposed Section 2 updates. She stated the updated language in the City’s non-discrimination ordinance would address prosecution for those being discriminated against for sexual identity, sexual orientation, veteran status, genetic material as well as harassment by telecommunications.

Councilmember Naeger moved to adopt the ordinance. The motion was seconded by Councilmember Lesser.

Mayor De La Isla expressed her full support of the ordinance as presented. She announced she was not allowed to vote on the proposal as it was considered a home rule ordinance.

William Naeger thanked former Deputy Mayor Sandra Clear, Councilmember Padilla, the Human Rights Campaign, Topeka Human Relations Commission, City Attorney Lisa Robertson and the late Phoenix Nesmith for their assistance with the creation of the ordinance.

Councilmember Ortiz spoke in support of the proposed ordinance and thanked all who were involved in revising the Topeka Municipal Code language.

Councilmember Padilla stated approval of the ordinance shows the Governing Body was listening to its citizens and taking appropriate actions to make others feel comfortable.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Hiller, Valdivia-Alcala, Ortiz, Emerson, Padilla, Naeger, Dobler, Duncan and Lesser -9. The Mayor did not vote.

The following individuals submitted public comment via electronic mail: Sydney Stout, Aaron Anothyanontha, Kim Anothayanontha, Danielle Twemlow and Black Lives Matter Topeka, KS. (*Attachment A*)

DISCUSSION concerning adoption of the 2015 International Existing Building Code was presented.

Richard Faulkner, Development Services Division Director, provided an overview of the proposed 2015 International Existing Building Code (IEBC). He stated approval would allow existing buildings to be utilized in a safe manner by ensuring compliance of updated building codes. He reported staff was recommending approval of the ordinance as presented.

Councilmember Emerson referenced other local jurisdictions that have adopted the 2018 version of the IEBC. He asked Mr. Faulkner if staff would consider adopting the 2018 version in order to be more in line with neighboring cities.

Richard Faulkner stated he would present the request to the Board of Building and Fire Appeals for consideration. He noted the review of the building code began in 2018, which was why the recommendation to adopt the 2015 version of the IEBC was presented for consideration.

Councilmember Duncan requested staff provide the Governing Body a summary of the differences between the 2015 and 2018 IEBC's as well as feedback from the Board.

Councilmember Hiller asked if the changes were presented to the Landmarks Commission for input.

Richard Faulkner reported the changes were presented to various designers and contractors that work within the city; however, they were not presented to the Landmarks Commission.

Councilmember Hiller suggested the proposed changes be presented to the Landmarks Commission for input as they are tasked with the preservation of properties from a commercial and residential standpoint.

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

Brent Trout, City Manager, announced the Topeka Fire Department received a \$5,000 grant through The Hartford Foundation to purchase informational materials on fire safety education for the public. He stated the Topeka Fire Department was a finalist, out of 250 municipal fire departments in the United States, to take part in the National Fire Protection Association Initiatives in developing community risk reduction program. He also announced Topeka Fire Department Lieutenant Matt Frehe was presented the State Fire Marshall Tom McGahee Award as well as the Topeka Fire Department Medal of Honor for his actions of rescuing a child from a burning structure on August 4, 2020.

Mayor De La Isla commented on the civil unrest and the COVID-19 pandemic being faced by all communities across the nation and noted the call for justice remains active. She stated she believes the Governing Body remains committed to actions that support a more just community. She commended the Shawnee County COVID-19 Response Team and thanked

Shawnee County Public Health Director Linda Ochs and former Shawnee County Health Officer Dr. Gianfranco Pezzino for their service.

Councilmember Emerson offered his condolences to the Rachel Escobar family. He commended Bob Sample, Utilities Director, for the phenomenal job performed by the Utilities Department in regards to the reopening SE 8<sup>th</sup> Street.

Councilmember Padilla commented on the possible eviction of many home owners and renters starting in 2021 due to the COVID-19 pandemic. He commended staff for anticipating what may come and coordinating efforts to help mitigate housing issues. He thanked the citizens of Topeka, and expressed his pride in how the citizens have responded to civil unrest and inequities. He thanked those that have stepped up to help the community including all Governing Body members.

Councilmember Naeger thanked City of Topeka retirees for their service as well as Topeka Police Chief Bill Cochran. She expressed her appreciation to the Governing Body for supporting the non-discrimination ordinance. She expressed the importance of everyone being considerate to each other and offering assistance to those in need during these difficult times.

Councilmember Dobler congratulated and thanked Topeka Police Chief Bill Cochran for his upcoming retirement. He thanked Governing Body members and constituents for their work and commitment to the community in 2020.

Councilmember Duncan thanked all City staff members for their hard work and dedication in 2020 and beyond.

Councilmember Lesser thanked Councilmember Padilla for his support when he was ill. He thanked Topeka Police Chief Bill Cochran for his service to the community.



Councilmember Hiller thanked William Naeger and all those that worked on the non-discrimination ordinance, including Councilmember Naeger. She mentioned the wonderful events held at the Evergy Plaza in 2020. She reported in 2020, over \$700,000 in private funds were raised for businesses to help the community due to the impact of the COVID-19 pandemic.

Councilmember Valdivia-Alcala thanked all City employees, colleagues and essential workers for their service in 2020. She announced the planetary conjunction of Jupiter and Saturn would be visible in the night sky on December 21, 2020, also known as the “Christmas Star” or “Star of Bethlehem.” She noted it has been nearly 800 years since the alignment of Saturn and Jupiter occurred at night.

Councilmember Ortiz asked everyone to remember individuals grieving, those that have passed as well as those less fortunate. She announced the Topeka Police Department will be distributing boots, coats and blankets to the homeless. She commended the City’s Street Department for their services and thanked Topeka Police Chief Bill Cochran for his service.

Mayor De La Isla commended Topeka Police Chief Bill Cochran for handling the position with dignity, grace and humility while embracing the community. She thanked Deputy Mayor Emerson for serving as the Deputy Mayor.

Bill Cochran, Topeka Police Chief, thanked the Mayor, City Council Members and the City Manager for their support during his tenure with the City.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:52 p.m.

(SEAL)

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Brenda Younger  
City Clerk

**Attachment A**

**Kelly L. Bogner**

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**From:** Sydney Stout <syd.stout25@gmail.com>  
**Sent:** Tuesday, December 15, 2020 11:08 AM  
**To:** City Clerk  
**Subject:** Item 4D

**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.

Topeka City Council,

Good morning. I am a Topeka resident and I am writing to express my support for Item4D, Topeka's non-discrimination ordinance. I understand that the council is voting on this issue tonight at 6pm and I want to encourage you to vote to pass this ordinance. It is important that our state capital sets a precedent of tolerance and inclusion. The United States Declaration of Independence defines life, liberty, and the pursuit of happiness as three examples of unalienable rights that the US government has a responsibility to protect. LGBTQIA+ citizens of Topeka are no exception to these rights. The law-abiding people of this community deserve gainful employment without the threat of systemic discrimination. Again, I implore you to set a positive example by supporting the civil rights of Topeka citizens.

Thank you for your time and consideration,

Sydney Stout



Virus-free. [www.avast.com](http://www.avast.com)

**Kelly L. Bogner**

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**From:** Aaron Anothayanontha <aaronano@gmail.com>  
**Sent:** Tuesday, December 15, 2020 12:01 PM  
**To:** City Clerk  
**Subject:** support for Item4D

**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.

Topeka City Council,

Good afternoon. I am a resident of Kansas writing to express my support for Item4D, Topeka's non-discrimination ordinance. I understand that the council is voting on this important issue tonight at 6pm and I want to encourage you to vote to pass this ordinance. It is important that our state capital sets a precedent of tolerance and inclusion. The United States Declaration of Independence defines life, liberty, and the pursuit of happiness as three examples of unalienable rights that the US government has a responsibility to protect. LGBTQIA+ citizens of Topeka are no exception to these rights. The law-abiding people of this community deserve gainful employment without the threat of systemic discrimination. Again, I implore you to set a positive example by supporting the civil rights of Topeka citizens.

Thank you for your time and consideration,

Aaron Anothayanontha

**Kelly L. Bogner**

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**From:** Kim Anothayanontha <kimberlyano@gmail.com>  
**Sent:** Tuesday, December 15, 2020 12:06 PM  
**To:** City Clerk  
**Subject:** Item 4D

**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.

Topeka City Council,

Good morning. I am a resident of Kansas and I am writing to express my support for Item4D, Topeka's non-discrimination ordinance. I understand that the council is voting on this issue tonight at 6pm and I want to encourage you to vote to pass this ordinance. It is important that our state capital sets a precedent of tolerance and inclusion. The United States Declaration of Independence defines life, liberty, and the pursuit of happiness as three examples of unalienable rights that the US government has a responsibility to protect. LGBTQIA+ citizens of Topeka are no exception to these rights. The law-abiding people of this community deserve gainful employment without the threat of systemic discrimination. Again, I implore you to set a positive example by supporting the civil rights of Topeka citizens.

Thank you for your time and consideration,

Have a beautiful day!  
Kimberly D. Anothayanontha

**Kelly L. Bogner**

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**From:** Danielle Twemlow <danielle.twemlow@gmail.com>  
**Sent:** Tuesday, December 15, 2020 4:30 PM  
**To:** City Clerk; Mayor  
**Subject:** Public record comment for LGBTQ+ discrimination ban

**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.

Good evening-

Since its inception, Topeka has been a place dedicated to freedom for all Americans. In order to keep that drive toward justice true for all, then it is imperative that our governing body votes to ban discrimination toward LGBTQ + folks in our community. We should never have loopholes in our protections that allow for bigotry and bias to infringe on individual's rights to work, live, and love in our community. We must send a message to our community, and those seeking to come here, that we assert all our power in protecting each person.

I know that I personally look for these testaments when I visit other cities and often make decisions on where to go based on how welcoming the place is. Topeka must take a stand against all forms of discrimination and welcome everyone here.

Our family supports the passing of the proposed ordinance banning discrimination of LGBTQ+ folks.

Respectfully,  
Danielle Twemlow and Tyler Allen

**Kelly L. Bogner**

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**From:** Black Lives Matter Topeka KS <blacklivesmattertopekaks@gmail.com>  
**Sent:** Tuesday, December 15, 2020 4:46 PM  
**To:** City Clerk  
**Subject:** Tonight's vote on LGBTQIA Ban

**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 essential and absolutely imperative that I express to you, on behalf of Black Lives Matter Topeka, that passing this ban is absolutely paramount. People's safety and protection should never be in question. All people deserve to experience safety, ALL people. All people deserve to exist in a capacity in which they can live whole versions of themselves without being required to fragment off parts of their identity to work, exist, live, etc. Passing this ban is one step in that direction. There will be many more steps subsequent; however, this ban is an essential piece. Protection and safety are active practices. We need you all to lean into this and protect ALL the people you serve. People are worth protecting, every time.