

Governing Body Minutes – January 5, 2021

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, January 5, 2021. 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, submitted in writing to the Office of the City Clerk, 215 SE 7th Street, Room 166, Topeka, Kansas, or via email at cclerk@topeka.org was included as an attachment to the minutes.

AFTER THE MEETING was called to order, Father Raymond May, Our Lady of Guadalupe Catholic Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited virtually by meeting participants.

BOARD APPOINTMENT recommending the reappointment of Paul Miller to the Board of Plumbing Examiners for a term ending December 31, 2022, was presented (*Council District No. 7*)

BOARD APPOINTMENT recommending the reappointment of Dave Krug to the City of Topeka Board of Electrical Appeals for a term ending December 31, 2022, was presented. (*Council District No. 6*)

BOARD APPOINTMENT recommending the reappointment of Shawn Smith to the City of Topeka Board of Electrical Appeals for a term ending December 31, 2022, was presented. (*Council District No. 7*)

BOARD APPOINTMENT recommending the reappointment of Steve Mohan to the Board of Building and Fire Appeals for a term ending December 31, 2022, was presented. (*Council District No. 7*)

BOARD APPOINTMENT recommending the reappointment of Keith Finney to the Board of Building and Fire Appeals for a term ending December 31, 2022, was presented. (*Council District No. 6*)

Councilmember Naeger moved to approve the appointments. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. The Mayor does not vote. (9-0-0)

PRESENTATION on the City of Topeka Sustainability Advisory Board 2019-2020 Report was presented by Michaela Saunders, City of Topeka Sustainability Advisory Board member.

Councilmember Valdivia-Alcala reported she has been working in collaboration with Oakland Neighborhood residents and the Shawnee County Parks and Recreation Department to start a community garden behind the Oakland Community Center in the upcoming months. She noted there are plans to provide cooking classes at the Oakland Community Center, offering instruction on how to cook fresh vegetables.

Councilmember Duncan asked for an update on the status of a Sustainability Director position as discussed during 2020 budget deliberations; and if staff could provide an update on the 2010 energy savings audit and/or analysis conducted on City facilities.

Brent Trout, City Manager, reported the duties associated with sustainability initiatives have not been assigned to a certain staff member at this time, and he was not planning to add a new position unless it was a priority of the Governing Body. He also reported the monitoring of energy use began in 2018 when he became involved with the Sustainability Committee; the

Committee plans to establish new goals and bring them back to the Governing Body for approval; and the City may also consider replacing some fleet vehicles with hybrid vehicles.

Councilmember Dobler commended the City of Topeka Utilities Department for taking the initiative to implement the Oakland Wastewater Treatment Plant Biogas System Treatment Management Project capturing more than 99 percent of the methane and converting it into clean, renewable natural gas. He stated the City of Topeka was one of only two cities in the nation to implement such a project.

Councilmember Hiller reported since the energy audit was conducted in 2010, a few energy conversions have occurred throughout various City buildings. She asked Michaela Saunders to share information on how citizens could get involved or share ideas with the Board.

Michaela Saunders stated citizens could contact Board members through their “Green Topeka” Facebook page or via email at michaelarsaunders@gmail.com.

Councilmember Naeger stated she looks forward to working in collaboration with Board members and becoming involved in sustainability efforts.

CONSENT AGENDA was presented as follows:

APPROVAL OF MINUTES of the regular meeting of December 15, 2020, was presented.

APPROVAL of the following licenses were presented:

Cereal Malt Beverage:	<u>Business Name</u>	<u>Address</u>
	Arturo’s Mexican Restaurant	105 SE 10 th Ave
	LEAP Family Entertainment	2925 SW 37 th St
Dance Hall:	<u>Business Name</u>	<u>Address</u>
	American Legion Post 400	3029 NW US Hwy 24
	Los Mandiles Rojos	1003 SE Quincy St
	The Foundry Event Center	400 SW 33 rd St

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

CHARTER ORDINANCE NO. 120 introduced by City Manager Brent Trout, amending City of Topeka Charter Ordinance No. 69, Section 2 (TMC A15-16), Section 4 (TMC A15-18), Section 6 (TMC A15-20) and Charter Ordinance No. 116, Section 1 (TMC A15-17) was presented.

Councilmember Duncan, Transient Guest Tax Committee Chair, reported approval would amend certain provisions of the transient guest tax ordinance to lower the number of rooms that would trigger imposition of the TGT tax from 9 to 3; and require payment of the TGT tax by an “accommodation broker” which generally includes AirBnB and other similar platforms. He stated the Kanas Department of Revenue (KDOR) has requested the City amend its ordinance to be consistent with State law, therefore, the TGT Committee recommended approval of the proposed ordinance by a vote of 3-0-0 on November 20, 2020.

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

Councilmember Hiller requested clarification on what type of rental would be considered transient. She referenced the term “accommodation broker” as it relates to nightly rentals and asked if two or more rooms were being rented in a home, would TGT tax have to be paid.

Mary Feighny, Deputy City Attorney, stated the ordinance only applies to rooms for guests that spend less than 28 consecutive days, whether in a hotel or an AirBnB.

Councilmember Duncan clarified a rental of one or two rooms would not qualify, it would only apply to three or more rooms for each location.

The motion to approve the charter ordinance carried unanimously.

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

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

Kelly Bogner, Assistant City Clerk, provided an overview of the January 12, 2021, Governing Body meeting agenda.

Brent Trout, City Manager, thanked City Street crews for their work in removing snow from all main streets by 5:00 p.m. on New Year's Day. He announced Governing Body meetings will continue to be held entirely virtual through the month of January and February meetings will be determined at a later date.

Mayor De La Isla stated she looks forward to a year of unity and working together. She announced the Shawnee County Health Department in collaboration with GraceMed has begun vaccinating Emergency Medical Service (EMS) personnel and Public Health and Safety staff through the guidance of the Kansas Department of Health and Environment and the Centers for Disease Control and Prevention.

Councilmember Padilla thanked the Topeka Fire Department for their quick response to the White Lakes Mall fire incident located at 3600 SW Topeka Boulevard, which occurred on December 31, 2020. He thanked local merchants for providing beverages and food for Topeka firefighters throughout the day.

Councilmember Naeger thanked the Topeka Fire Department for their services and quick response to the White Lakes Mall fire incident. She encouraged everyone to continue washing their hands, social distancing and wearing a mask to help mitigate the COVID-19 pandemic.

Councilmember Valdivia-Alcala reported for the past three months, Oakland residents have dealt with a horrendous odor from the Ash Street Pump Station and the City's Water Treatment Plant. She thanked the Utilities Department for providing her a prompt response to the cause of the issue and noted staff increased the use of carbon dioxide in an attempt to cut costs. She stated she hopes staff will continue to consider the Oakland residents as they work to find a solution to the problem.

Councilmember Emerson moved to recess into executive session for a period of 20 minutes to discuss the status of employer/employee negotiations concerning AFT Zoo employees, 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; Human Resources Director, Jacque Russell; Administrative & Financial Services Director, Jessica Lamendola; Budget and Performance Manager, Steve Wade; 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 Padilla carried unanimously on roll call vote. (10-0-0)

Following a 20-minute time period, the meeting was 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 15 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters, as justified by KSA 75-4319(b)(2), in order to aid the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; Administrative & Financial Services Director, Jessica Lamendola; Financial Advisor, Jeff White; Bond Counsel, Kevin Cowan; 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 Naeger carried on roll call vote. (10-0-0)

Following a 15-minute time period, the meeting was reconvened into open session and Mayor De La Isla announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:40 p.m.

(SEAL)

Brenda Younger
City Clerk