

## **Governing Body Minutes – January 12, 2021**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, January 12, 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 and Duncan - 8. Mayor De La Isla presided - 1. Absent: Councilmember Lesser - 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 7<sup>th</sup> Street, Room 166, Topeka, Kansas, or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) was included as an attachment to the minutes.

AFTER THE MEETING was called to order, Councilmember Padilla asked for a moment of silent meditation to honor the individuals who died or were injured as a result of the siege on the United States Capitol on January 6, 2021, carried out by a mob of supporters of U.S. President Donald Trump in an attempt to overturn his defeat in the 2020 presidential election.

Pastor Carl Frazier, New Hope & Love Community Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited virtually by meeting participants.

BOARD APPOINTMENT recommending the reappointment of Linda Shove-Morgan to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2022, was presented.

BOARD APPOINTMENT recommending the reappointment of Vince Frye to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2022, was presented.

BOARD APPOINTMENT recommending the appointment of Daniel Clarizio to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2022, was presented.

BOARD APPOINTMENT recommending the reappointment of Nelda Henning to the Board of Building and Fire Appeals for a term ending December 31, 2022, was presented.

*(Council District No. 1)*

Councilmember Emerson moved to approve the appointments. The motion seconded by Councilmember Hiller carried unanimously on roll call vote. The Mayor does not vote. (8-0-0)

CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20277 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period August 29, 2020 through September 25, 2020, and enumerating said expenditures therein, was presented.

ORDINANCE NO. 20278 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period September 26, 2020 through October 30, 2020, and enumerating said expenditures therein, was presented.

APPROVAL OF MINUTES of the regular meeting of January 5, 2021, was presented.

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

ORDINANCE NO. 20279 introduced by City Manager Brent Trout, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 3029 NW U.S. 24 Highway from “M-2” Multiple Family Dwelling District to “I-1” Light Industrial District was presented. (Z20/05)*(Council District No. 2)*

Bill Fiander, Planning and Development Director, reported the owner intends to market the property for light industrial and other commercial uses. He stated the proposed zoning was consistent with the Future Land Use Map (Land Use & Growth Management Plan 2040) along that specific segment of U.S. 24 Highway. He stated the Planning Commission and Topeka Planning Department recommend approval.

Mayor De La Isla stated prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and impartially consider the measure based only upon the evidence provided on the record. The record includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

Ex parte communication was declared by Councilmember Ortiz.

Councilmember Padilla moved to adopt the ordinance. The motion seconded by Councilmember Valdivia-Alcala carried unanimously. (9-0-0)

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

APPROVAL of a Supplemental Agreement to City of Topeka Contract No. 48941 between the City of Topeka and AFT Kansas Local 6406 amending certain terms and conditions of employment pertaining to zoo employees was presented. (*Contract No. 49174*)

Brent Trout, City Manager, reported the proposed supplemental agreement, ratified by AFT members, identifies the steps for a potential transition process for Zoo employees to transfer to FOTZ employment.

Councilmember Duncan stated it has been a long process to reach this point in the transition and the Governing Body in collaboration with Staff and FOTZ representatives have worked hard to make sure City employees will be taken care of now and in the future.

Councilmember Dobler moved to approve the AFT Supplemental Agreement. The motion seconded by Councilmember Naeger carried unanimously on roll call vote.

Councilmember Valdivia-Alcala voted “no.” (8-1-0)

DISCUSSION related to the East Topeka North Neighborhood Plan as an element of the Comprehensive Plan was presented. *(CPA20/01)*

Bill Fiander, Planning and Development Director, introduced Dan Warner the new Planning Division Director and stated Mr. Warner would provide an overview of the process as Staff worked through difficulties caused by the COVID-19 pandemic.

Dan Warner, Planning Division Director, provided an overview of the East Topeka North Neighborhood Plan including the History, Health Map, Housing Conditions, Infrastructure, Future Land Use and Target Areas, SORT Primary and Leveraged Projects as well as the next steps in the process.

Councilmember Valdivia-Alcala thanked Staff for the presentation. She referenced the difficulty in engaging neighborhood residents during a pandemic and thanked the individuals that provided assistance. She commented on the continued increase of poverty in the area and the importance of the City providing assistance as needed to help improve conditions of the area.

Councilmember Ortiz thanked Staff and East Topeka North Topeka NIA members for their continued work and commitment to the area. She asked if SE 5<sup>th</sup> Street from California Avenue to Market Street would include curbs, gutter and sidewalks.

Dan Warner confirmed SE 5<sup>th</sup> Street would be replaced in its entirety including sidewalks.

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

Brenda Younger, City Clerk, provided an overview of the January 19, 2021, Governing Body meeting agenda.

Mayor De La Isla commented on the current political environment across the nation as a result of the siege on the United States Capitol on January 6, 2021. She implored the residents of Topeka to be kind to each other and develop and foster a feeling of healing for the entire community.

Councilmember Naeger stated she hopes they all can come together as a nation and celebrate their differences. She commended the College Hill Neighborhood Improvement Association for working with the Topeka Community Foundation in securing grant funding to install front porch lights at 350 households throughout the neighborhood with the intent to provide a sense of well-being while decreasing opportunity for petty crime to occur.

Councilmember Duncan thanked Blue Cross Blue Shield of Kansas (BCBSKS) for donating \$350,000 to the Topeka Rescue Mission Food Secure Program. He encouraged Kansas residents to continue protesting in a peaceful manner and thanked Interim Topeka Police Chief Bryan Wheelers for keeping the Governing Body apprised of potential threats on the State of Kansas Capitol Building as well as other local government buildings.

Councilmember Hiller thanked the Topeka residents for their grace and continued peaceful protests.

Councilmember Valdivia-Alcala read comments related to the January 6, 2021, siege on the U.S. Capitol Building and urged Topeka residents to be mindful of the emotional turmoil people of color continue to face, and come together as one and respect all.

Councilmember Ortiz announced on January 18, 2021, Topeka Public Schools U.S.D 501 would return to full remote learning due to the COVID-19 pandemic. She thanked the Public Health and Safety Committee for their efforts in implementing the Connect2Compete Home Internet Program offered through Cox Cable System. She asked families to contact the Council Office for further guidance if they are having internet problems and noted Cox Cable will assist with system issues at no charge.

Councilmember Ortiz moved to recess into executive session for a period of 20 minutes to discuss confidential employment matters pertaining to nonelected personnel, as justified by KSA 75-4319(b)(1), in order to protect the privacy of those discussed, in order to aid the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; and Human Resources Director, Jacque Russell. 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 on roll call vote. (9-0-0)

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 of 10 minutes to discuss confidential employment matters pertaining to nonelected personnel, as justified by KSA 75-4319(b)(1), in order to protect the privacy of those discussed, in order to aid

the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; and Human Resources Director, Jacque Russell. No action was anticipated to be taken when the open meeting resumed in the Governing Body Chambers. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (9-0-0)

Following a 10-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 7:25 p.m.

(SEAL)

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Brenda Younger  
City Clerk