

Governing Body Minutes – February 9, 2021

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, February 9, 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 not 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, Dr. Rita Rogers-Stanley, M.D. provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited virtually by meeting participants.

CONSENT AGENDA was presented as follows:

APPROVAL OF MINUTES of the regular meeting of February 2, 2021, was presented.

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

APPROVAL of the terms and conditions of a License and Management Agreement (LMA) with the Friends of Topeka Zoo ("FOTZ") that will provide for the operation and management of the Topeka Zoo and Conservation Center by FOTZ as part of a proposed Public Private Partnership was presented. (*Reference LMA Contract No. 49243; Services Agreement FOTZ Employees Contract No. 49244; and AFT Zoo Employees Supplemental Contract No. 49174*)

Brent Trout, City Manager, reported there were many comments and suggestions concerning the language of the proposed agreement at the February 2, 2021, Governing Body meeting, Staff worked with FOTZ Board members in developing certain language provisions to address some of the concerns. He stated the language provisions were included in the agenda packet and Staff recommends approval.

Lisa Robertson, City Attorney, provided an overview of the revisions made to the following Sections of the LMA along with two additional amendments proposed by Staff. She noted each of the following amendments were included in the language agreement as distributed in the agenda packet.

- Section 5.4 Subsequent Transfer of Zoo Collection concerning Termination related to Personal Property (*reference was made to Section 17.5(b) because it ties back to the language in Section 5.4*)
- Section 7.2(a) Fees for Admission as it relates to approval by the Governing Body
- Section 7.3(c) Funds Raised by FOTZ as it relates to Asset Preservation
- Section 8.3 Countywide Retailers' Sales Tax as it relates to the availability of sales tax funding and the review of the City's Capital Improvement Plan annually
- Section 9.3(b) FOTZ Reporting as it relates to incorporating Admission Fee Data; Capital Infrastructure Improvement or Alteration Data in Quarterly Reports
- Section 11.1 City Directors as it relates to have one (1) voting member of the Governing Body serve on the FOTZ Board of Directors (*Currently 12 members serve on the Board with the expectation to increase to 20 members over time.*)
- Section 10.1 Accreditation as it relates to termination of the Agreement if Association of Zoos & Aquariums (AZA) was lost and not re-obtained in one-year
- Section 10.2 Exhibitors Licenses as it relates to immediate termination of the Agreement if revoked
- Section 14.1(b) Coverage Required – Property Insurance of the License and Management Agreement as negotiated by City Staff and FOTZ representatives
- Section 17.1(b)(9) In accordance with Section 10.1 Accreditation or 10.2 Exhibitors License of this Agreement
- Section 17.4 Notice of Termination
- Section 17.5 Effect of Expiration or Termination

City Attorney Robertson reported the following two additional amendments proposed by Staff were not included in the agenda packet as distributed, and would require action by the Governing Body to be included in the Agreement:

- Amendment No. 1 relates to Section 14.1(b) and the amount of deductible paid by FOTZ for Property Insurance. She reported after discussion, it was determined that the action would be considered more of a “transfer of risk” as FOTZ works to build up its contingency funds; therefore, Staff recommends the words “proportional amount of the” be deleted and insert “\$50,000”. The amendment would read as follows:

Section 14.1 Coverage Required:

(b) Property Insurance. Commencing no later than the date of execution of this Agreement, FOTZ shall procure and maintain property insurance coverage for all its assets, including vehicles. The City shall provide and maintain property insurance coverage for all its owned assets, including the Zoo Premises, and may elect to be self-insured; provided, however, that FOTZ shall be responsible for (i) reimbursing the City in the amount the City pays to maintain such property insurance coverage as set out in Section 7.5(c)(2) and (ii) paying the ~~proportional amount of the~~ “\$50,000” deductible associated with any property losses that may occur in accordance with the City’s property insurance policy.

- Amendment No. 2 relates to Section 7.5(c) (1) and the reduction of the Annual License and Management Fee paid to FOTZ through Voter-Approved Taxes. She reported there was some confusion regarding the type of tax that could be used because the word “levy” generally relates to the use of property tax; therefore, Staff was proposing to delete the word “levy” so it would allow for either a “property tax” or “sales tax” ballot proposal if initiated in the future. She reported staff was also proposing to delete all the language in its entirety at the end of subparagraph (c)(1) after the words “Section 8.3.” as it references any future allocation of sales tax and staff would prefer not to guess what might happen in the future. The amendment would read as follows:

Section 7.5(c) Annual License and Management Fee - Reductions

(1) Voter-Approved Taxes. In the event of a voter-approved tax ~~levy~~ that would provide funding specific to the Zoo, the annual License and Management Fee shall be reduced in the amount of the revenue provided by any such future increase; provided, however, that this reduction shall not include any allocation of the Countywide Retailers Sales Tax made to the Zoo, as described in Section 8.3.5; ~~or any future allocation of sales tax made to the Zoo for Capital Infrastructure improvements or alterations.~~

Councilmember Hiller spoke in support of the language updates specifically the amendments related to the Notice of Council on various items and increased reporting on a quarterly basis; as well as the two additional amendments proposed by Staff. However, she has

one City related issue she would like addressed concerning the source of funded being proposed.

She made the following statements:

- A difference of approximately \$228,000 annually would be needed to make the payment as agreed; this would be in addition to the annual subsidy of \$410,000, the agreed amount to be bonded for 7.5 years. This would generate the need for approximately \$640,000 more than the amount budgeted in the 2021 and 2022 Operating Budgets and more than the City would have in debt service demand.
- She stated the Governing Body voted in December 2020 to remove the expense from the \$9 million bonding cap making the proposal new debt - above what the City was already allocating to the Zoo operating budget.
- The annual subsidy increase of \$640,000 in 2022 would increase to approximately \$1.1 million in year eight of the bonds. She expressed the importance of knowing where the funds would come from before the City enters into a 15-year agreement with no clause to renegotiate annual fees or subsidy during the lifetime of the agreement.

Jessica Lamendola, Administrative and Financial Services Director, stated the financial model discussed at length in December 2020 outlined that the cost to the City would be more in the beginning than what the City has allocated to the Zoo operating budget. She reported capital maintenance would be paid from the City's debt service fund in the first 7.5 years. She stated the transition would require the review of internal service fees including which fees could be eliminated through service reductions, and what portion of fees would have to be absorbed within the City's budget.

Councilmember Hiller stated the funding mechanism proposed would cause a net increase to the City's debt service fund. She noted it appeared there were not many staff positions to assist in the reduction of internal service fees as a realized savings.

Jessica Lamendola recognized that levied property taxes primarily fund debt service; however, prior to Staff offering this as a potential revenue source to assist with the capital maintenance, they modeled the debt service fund to ensure it can accommodate the additional debt. She reported as it relates to reducing internal services cost they will have to look Citywide to address the operating budget gap. She stated they also discussed the overall vision, and while

in the short-term in may be difficult, the goal was to allow FOTZ to match the vision of the Governing Body in terms of growing the Zoo. She recognized the transition would cost more; however, the alternative would also likely cost more in the long-term than the City has budgeted. She stated the City would still have to fund the capital budget regardless of the resource; and the odds of the City being able to grow the Zoo in the same manner, as FOTZ would require the review of staffing levels. She encouraged the Governing Body to consider what FOTZ was offering for the future and noted if they chose not to enter into an agreement then Staff will have to revisit the budget and accommodate the potential growth needed. She noted it was helpful to have an annual fixed dollar amount set in the agreement for budgeting purposes.

Councilmember Hiller questioned return-on-investment and noted she was eager to see the numbers when available.

Brent Trout reported they do not have numbers specifically related to return-on-investment, however, they anticipate revenues would increase upon completion of new projects and exhibits. He stated the positive community impact the transition will have cannot be quantified and the City would have to make a significant investment to transform the Zoo in the same manner as FOTZ.

Councilmember Hiller expressed concern with all the items the City was trying to fund with tax dollars including, streets, employee salary increases, preventive and restorative public works projects, and large expenses related to the Polk Quincy Viaduct Project. She asked if the Governing Body would consider a 0.10% Countywide Sales Tax ballot proposal as it would provide 100% funding relief for the Zoo expense and have the potential to provide funding over and above what was anticipated through the Agreement.

Mayor De La Isla stated from a constituent standpoint, citizens have made it clear they do

not support levying any additional sales tax; therefore, she would not support a ballot proposal at this time.

Councilmember Lesser stated he would oppose additional sales tax. He stated he considers this a good escalating return on investment as well as a good opportunity for the City to own the Zoo while allowing an excellent organization such as FOTZ to operate the Zoo. He expressed the importance of considering the overall economic impact the partnership will have on the community as a whole.

Councilmember Duncan stated from the beginning, he has communicated to citizens that he believes the transition could be possible without increasing the sales tax rate. He noted he anticipates robust financial discussions in the future; however, he believes it will be a good transition now and in the future, as it will benefit the community as a whole.

Councilmember Dobler expressed the importance of the systematic process that took place to ensure the transition was successful. He discouraged complicating the matter at this stage of the proposal. He stated he concurs with Councilmember Duncan and anticipates tough conversations at some point in the future about funding; however, he would not support an increase in sales tax.

Councilmember Duncan moved to approve the terms and conditions of a License and Management Agreement (LMA) with the Friends of Topeka Zoo ("FOTZ") that will provide for the operation and management of the Topeka Zoo and Conservation Center by FOTZ as part of a proposed Public Private Partnership. The motion was seconded by Councilmember Padilla.

Councilmember Lesser moved to amend Section 14.1(b) related to Property Insurance as stated by City Attorney Robertson with the exception of decreasing the amount from \$50,000 to \$25,000. The motion seconded by Councilmember Dobler carried on roll call vote.

Councilmember Valdivia-Alcala voted “no.” (9-1-0). The approved amendment was as follows:

Section 14.1 Coverage Required:

(b) Property Insurance. Commencing no later than the date of execution of this Agreement, FOTZ shall procure and maintain property insurance coverage for all its assets, including vehicles. The City shall provide and maintain property insurance coverage for all its owned assets, including the Zoo Premises, and may elect to be self-insured; provided, however, that FOTZ shall be responsible for (i) reimbursing the City in the amount the City pays to maintain such property insurance coverage as set out in Section 7.5(c)(2) and (ii) paying the ~~proportional amount of the~~ “\$25,000” deductible associated with any property losses that may occur in accordance with the City’s property insurance policy.

Councilmember Dobler moved to amend 7.5(c)(1) as stated by City Attorney Robertson.

The motion seconded by Councilmember Emerson carried on roll call vote. Councilmember Valdivia-Alcala voted “no.” (9-1-0) The approved amendment was as follows:

Section 7.5(c) Annual License and Management Fee - Reductions

(2) Voter-Approved Taxes. In the event of a voter-approved tax levy that would provide funding specific to the Zoo, the annual License and Management Fee shall be reduced in the amount of the revenue provided by any such future increase; provided, however, that this reduction shall not include any allocation of the Countywide Retailers Sales Tax made to the Zoo, as described in Section 8.3, ~~or any future allocation of sales tax made to the Zoo for Capital Infrastructure improvements or alterations.~~

The motion to approve the terms and conditions of a License and Management Agreement (*LMA Contract No. 49243 & Employee Services Contract No. 49244*) as amended, with the Friends of Topeka Zoo (“FOTZ”) that will provide for the operation and management of the Topeka Zoo and Conservation Center by FOTZ as part of a proposed Public Private Partnership carried on roll call vote. Councilmember Valdivia-Alcala voted “no.” (9-1-0)

Mayor De La Isla congratulated FOTZ on approval of the Agreement and thanked Brendan Wiley, Zoo Director, and Fred Patton, FOTZ Board President, for their work in securing the partnership. She stated she looks forward to the continued success of the Topeka Zoo under the leadership of FOTZ.

Fred Patton, FOTZ Board President, expressed his appreciation to the Governing Body for their support and stated they look forward to a successful partnership with the City.

Brendan Wiley, Topeka Zoo Director, expressed his appreciation to Governing Body members for supporting the transition and partnership with FOTZ. He stated they take the task of operating and maintaining the Topeka Zoo as a “World Class” operation.

Councilmember Emerson left the meeting.

RESOLUTION NO. 9206 introduced by City Manager Brent Trout, authorizing and providing for various Zoo improvements in the City of Topeka, Kansas; and providing for the payment of the costs thereof, was presented.

Brent Trout, City Manager, reported approval would authorize the City to move forward with permanently financing previously authorized Zoo improvements as outlined in the License and Management Agreement with FOTZ.

Councilmember Ortiz moved to approve the resolution. The motion was seconded by Councilmember Lesser.

Councilmember Hiller expressed concern with approving the proposed 15-year amortization term of the bonds. She stated she believes it contradicts the desire of the Governing Body expressed in December 2020 to bond for 7.5 years.

Jessica Lamendola, Administrative and Financial Services Director, stated it was Staff’s intent to pay off the bonds in 7.5 years as outlined in the transition model presented. She expressed concern with limiting the length of the amortization term due to potential changes in the bond market.

Jeff White, Columbia Capital Management, reported they do not expect a change in the bond market at this time; however, they do not know what the future will bring. He noted the

action considered would not authorize the issuance of bonds it would only allow the City to move forward with the transition of the Zoo by securing the financial obligation.

Councilmember Hiller stated she would oppose the approval of the resolution due to the length of the 15-year amortization term reflected in the resolution.

The motion to approve the resolution carried on roll call vote. Councilmembers Hiller and Valdivia-Alcala voted “no.” (7-2-0)

RESOLUTION NO. 9207 introduced by the members of the Public Infrastructure Committee comprised of Council Members Neil Dobler, Tony Emerson, Mike Lesser and Mike Padilla recommending approval of a sidewalk project for 2021 was presented.

Councilmember Dobler, Public Infrastructure Committee Chair, reported the Committee recommended approval of the North Topeka West Neighborhood as the location for the 2021 Infill Sidewalk Project by a vote of 4-0-0 on January 25, 2021.

Councilmember Valdivia-Alcala thanked Committee members for their recommendation and stated it was a much-needed project.

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

RESOLUTION No. 9208 introduced by the members of the Public Infrastructure Committee comprised of Council Members Neil Dobler, Tony Emerson, Mike Lesser and Mike Padilla recommending approval of certain Facility projects for 2021 was presented.

Councilmember Dobler, Public Infrastructure Committee Chair, reported the Committee recommended approval of certain Facility projects as outlined in the resolution by a vote of 4-0-0 on January 25, 2021.

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

APPROVAL of the City of Topeka Governing Body 10-Year Strategic Vision and Goals was presented.

Brent Trout, City Manager, reported the proposed document reflects language revisions to reflect the discussion at the February 2, 2021, Governing Body meeting. He stated the document sets five primary goals, listing multiple objectives under each goal, with the overall 10-Year Plan to be reviewed every two years.

Councilmember Hiller asked if the intent of the revised language was a “net” increase of 100 safe and affordable housing units.

Brent Trout confirmed that was the intent of Staff.

Councilmember Valdivia-Alcala referenced the document outlining a large list of items over 10 years. She expressed the importance of the Governing Body understanding the intent of the document as created and to remain mindful of it as they move forward in 2021.

Councilmember Valdivia-Alcala moved to approve the City of Topeka Governing Body 10-Year Vision and Goals as presented. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (9-0-0)

APPROVAL of the 2022 Social Service Grants recommendations for Outsourcing, Priorities, Calendar and Score Sheet was presented.

Councilmember Hiller, Social Service Grants Committee Chair, reported the Committee recommended approval to affirm: (1) maintaining United Way of Greater Topeka as the outsourcing vendor for the 2022 process; (2) to accept the revisions and present the priorities

sheet to the Governing Body; (3) approve the timeline and/or calendar sheet; and (4) approve the score sheet as amended by a vote of 3-0-0 on December 14, 2020.

Councilmember Valdivia-Alcala stated it was a great learning process. She expressed her appreciation of the customer service driven attitude displayed by United Way of Greater Topeka resulting in a more efficient process.

Councilmember Padilla stated he concurs with Councilmember Valdivia-Alcala and looks forward to continuing to learn about the process. He expressed his appreciation for the opportunity to hear from grant applicants so he has a better understanding of how grant funds are spent. He thanked United Way of Greater Topeka for their efforts in making the process successful.

Councilmember Hiller moved to approve the 2022 Social Service Grant recommendations for Outsourcing, Priorities, Calendar and Score Sheet. The motion seconded by Councilmember Valdivia-Alcala carried unanimously on roll call vote. (9-0-0)

REVISED PROJECT BUDGET in the amount of \$15,000,000 and RESOLUTION NO. 9209 introduced by City Manager Brent Trout, amending and authorizing the project budget approved by Resolution No. 9174-A for Improvement Project No. T-701016.00 which provides for the reconstruction of SW 12th Street between Kansas Avenue and Gage Boulevard, was presented. (*Deferred from the meeting of February 2, 2021.*)

Brent Trout, City Manager, reported Staff determined \$500,000 of excess Countywide Sales Tax funds were available for use towards the additional costs of the project with the balance of the funding coming from the Federal Fund Exchange program.

Councilmember Padilla moved to approve the revised project budget and resolution. The motion seconded by Councilmember Naeger carried on roll call vote. Councilmember Dobler abstained. (8-0-1)

DISCUSSION of the second amendment to the 2019 Consolidated Action Plan, was presented.

Brent Trout, City Manager, reported approval of the second amendment to the 2019 Consolidated Action Plan, would enable the City to receive an additional \$587,924 in federal grant funding for housing and neighborhood improvements and economic development as well as social services in the community.

Corrie Wright, Housing Services Division Director, stated HUD allocated an additional \$587,924 in CDBG CV funds to the City for a total CDBG CV Budget of \$1,697,186. She reported the HOME and ESG funds as proposed in the budget have remained unchanged since the first amendment to the 2019 Consolidated Action Plan. She noted as a reminder, the funds have strict regulations that must help prevent, prepare for and respond to, the COVID-19 virus. She stated the City plans to use the funds to provide approximately 26 additional small businesses in the community with grants to alleviate the hardships of COVID-19 by helping with COVID related expenses

Councilmember Hiller referenced the JEDO Local Business Recovery Taskforce meeting on February 5, 2021, and their discussions related to the needs of local small businesses. She asked if there has been a shift in this program because of those discussions.

Brent Trout, City Manager, reported the Taskforce would be considering a level of programming for different groups of businesses with different parameters with the ability to make

slight modifications for those that are falling through the cracks. He noted the City has to follow HUD guidelines as it relates to the allocation of funds.

Councilmember Valdivia-Alcala stated from her observation of the February 5, 2021, Taskforce meeting she would concur with City Manager Trout and believes the City and the Taskforce will be addressing the needs of different groups.

Corrie Wright provided a high-level overview of the COVID-19 Basic Needs Program administered through the Community Resources Council (CRC). She reported the City has allotted \$1.5 million to the program for assistance with rent, mortgage (principle and interest only), utilities and internet assistance for up to six months as it relates to COVID. She stated the program has entered its second month and the CRC has allocated over \$400,000 in assistance to lower to middle class income people. She encouraged residents to call the CRC home office at 785-233-1365 to make an appointment.

Councilmember Valdivia-Alcala inquired on the City's plan to educate the public on the program.

Brent Trout stated the City would advertise the program on City4 along with media releases.

Councilmember Ortiz commended Corrie Wright for her work in helping to implement the program and encouraged citizens to contact Ms. Wright for further information.

PUBLIC COMMENT: Joseph Ledbetter submitted public comment via electronic mail.
(Attachment A)

Sammy Williams spoke in support of the efforts to convert the Menninger Tower Building into "Independence Hall" a modern facility to help serve active and retired military veterans.

Adam Burnett stated Sammy Williams has inspired him to support efforts regarding the “Independence Hall” initiative. He encouraged the Governing Body to work with community partners to help the Menninger Clock Tower transformation become a reality.

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

Brenda Younger, City Clerk, provided an overview of the February 16, 2021, Governing Body meeting agenda.

Brent Trout, City Manager, announced Bill Cochran would serve as the new Executive Department Chief of Staff to begin work on February 22, 2021.

Mayor De La Isla thanked her colleagues for providing assistance when she was in the hospital due to the COVID-19 virus. She also thanked citizens for all the well wishes, flowers and cards. She asked citizens to take care of their neighbors and pets during the severe cold weather.

Councilmember Naeger cited a quote by Dr. Maya Angelou titled “Do the Best You Can” in honor of Black History Month. She encouraged citizens to continue to take the COVID-19 pandemic seriously and wear a mask and social distance. She expressed her appreciation in receiving her final dose of the COVID-19 vaccine.

Councilmember Dobler commented on the extensive process in creating a 10-year Strategic Vision and Goals for the Governing Body. He requested the City Manager provide regular updates to the Governing Body; and expressed the importance of the Governing Body working to make measurable progress on the Vision and Goals outlined in the document as it will have positive impact on the community

Councilmember Duncan thanked all the individuals responsible for bringing the partnership between the City and FOTZ to fruition. He congratulated local Topeka actor, Russ Hutchison, for appearing in the Vince Lombardi Commercial during the 2021 Super Bowl on February 7, 2021. He urged citizens to take care of their neighbors and pets during the severe cold weather.

Councilmember Lesser encouraged citizens to donate to the Topeka Rescue Mission to purchase hotel rooms for the homeless population during the severe cold weather. He offered his condolences to the family of Angie Berry Redd.

Councilmember Hiller welcomed Bill Cochran, new Executive Department Chief of Staff. She reported the House Bill to commemorate multi-state Brown v. Board of Education Sites will be reintroduced, recognizing the importance of the additional sites that catalyzed litigation in Delaware, South Carolina, Kansas, Virginia, and Washington, DC, and expand the Brown v. Board of Education National Historic Site in Topeka, Kansas. She announced Corner Stone of Topeka has dedicated two new structures, providing four affordable housing units in the 1700 Block of SW Fillmore Street. She commended Deputy Mayor Padilla, City Staff, local volunteers and South Topeka Boulevard businesses that are assisting with the “Bringing Back the Boulevard” initiative.

Councilmember Valdivia-Alcala encouraged citizens to check on elderly neighbors and take care of pets during the severe cold weather. She expressed concern with new strains of the COVID-19 virus being discovered and encouraged all citizens to wear a mask so they can take care of each other.

Councilmember Ortiz reported the City has programs in place to assist residents in need of safe heating options during the severe cold weather. She offered prayers for all those battling

the COVID-19 virus and expressed her pride in serving with colleagues that take public health safety precautions seriously.

Councilmember Padilla encouraged eligible Kansas residents over the age of 65 to call Stormont Vail Health at 785-270-0693 to add their name to list to receive the COVID-19 vaccine or call Shawnee County Health Department at 785-251-5697 for more information.

Deputy Mayor Padilla moved to recess into executive session for a period of time not to exceed 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. To aid in 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 when the open meeting resumed in the Governing Body Chambers. The motion seconded by Councilmember Lesser carried unanimously on roll call vote. (10-0-0)

Mayor De La Isla announced she was not feeling well and would not be participate in the Executive Session.

Deputy Mayor Padilla presided over the remainder of the Governing Body meeting.

Following a 20-minute time period, the meeting reconvened into open session and Deputy Mayor Padilla announced no action was taken during the Executive Session.

Councilmember Lesser moved to recess into executive session for a period of time not to exceed 15 minutes to continue discussion on confidential employment matters pertaining to nonelected personnel, as justified by KSA 75-4319(b)(1), in order to protect the privacy of those discussed. To aid in 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 when the open meeting resumed in the Governing Body Chambers.

The motion seconded by Councilmember Lesser carried unanimously. Councilmember Ortiz voted “no.” (8-1-0)

Following a 15-minute time period, the meeting reconvened into open session and Deputy Mayor Padilla announced no action was taken during the Executive Session.

NO FURTHER BUSINESS appearing the meeting adjourned at 8:46 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

Kelly L. Bogner

From: Joe Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, February 09, 2021 2:10 PM
To: City Clerk; City Council; Brenda Younger
Cc: Michelle De La Isla; Michael Lesser; Neil Dobler
Subject: Topeka Zoo Agreement with FOTZ Vote , today.

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.

Dear Governing Body:

I very much support the Zoo Governance being transferred to FOTZ. I have had a lot of citizens ask me what I think, and I have told many citizens that I support this action.

The current Zoo Director has shown that he can solve problems and now has less City employees than what he started with, and has more attendance. The director believes in having productivity gains by staff. This is refreshing to me as a tax payer/citizen. I believe FOTZ is a strong non-profit organization will do a good job of running the Topeka Zoo. I believe they will be open to public input.

I am asking you're your support of this action. Thank you.

*I would also suggest that In the Notice provisions of the agreement we spell out City Clerk and The Mayor be noticed by FOTZ ,and that The City notice be given to the Zoo Director, and the FOTZ Board Secretary for any notices. Additionally, I would like to see the City "give reasonable notice" of any inspections and give the specifics/ scope of any inspection. That is just being reasonable.

Thank you.

Joseph R. Ledbetter, Attorney at Law

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Kelly L. Bogner

From: Joe Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, February 09, 2021 2:35 PM
To: City Clerk; City Council; Neil Dobler
Cc: Michael Lesser; 'Tony Emerson'
Subject: Tonight's Discussion on ten year vision for City-

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 have Concerns pg. 2 Transportation paragraph, move out to 3 years . MTA board has not seen this, and we are dealing with declining use and those implications with Covid.
Obviously, the City of Topeka losing population is having an effect also.

Concerns On pg.4 Elected Officials-"Provide available resources"-tax and rate paying monies do not grow on trees, or in a vacuum.

1st para "Staff will inform elected officials well in advance of any budget items, or changes in ordinances, et al and answer questions timely to elected officials, and the public as well.

2nd para Replace words "Staff will ...'be hired that are problem solvers, and hired in management positions that are ALREADY trained, and need minimal consultants-if any".

5th para Strike ..."make every effort to"... Just do it as a practice! Also use in person public meetings as part of process to allow two-way communication with the tax payers/ ratepayers.

Thank you.

Joseph R. Ledbetter, Attorney at Law

Law Office

1734 SW Van Buren St

Topeka, KS 66612

(785) 232-3700 Phone

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www.josephledbetter.com

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