

1 **Governing Body Minutes – April 6, 2021**

2 CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, April 6, 2021. The Governing  
3 Body members of the City of Topeka met in regular session at 6:00 P.M., with the following  
4 Councilmembers present: Councilmembers Hiller, Padilla, Dobler and Duncan - 4; and the  
5 following Councilmembers participating remotely: Valdivia-Alcala, Ortiz, Emerson and Naeger  
6 - 4. Mayor De La Isla presided - 1. Absent: Councilmember Lesser -1.

7 Public comment for the meeting was available via Zoom or in-person. COVID-19  
8 pandemic public safety mandates allowed for 15 people inside the Council Chambers to observe  
9 the meeting at one time. Individuals were required to contact the City Clerk's Office at 785-368-  
10 3940 or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) by no later than 5:00 p.m. on April 6, 2021, after which  
11 the City Clerk's Office provided the Zoom link information and protocols prior to the meeting  
12 start time. Written public comment was also considered to the extent it was personally submitted  
13 at the meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka,  
14 Kansas, 66603 or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) on or before April 6, 2021, for attachment to  
15 the meeting minutes.

16 AFTER THE MEETING was called to order, Councilmember Duncan provided the  
17 invocation.

18 THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

19 CONSENT AGENDA was presented as follows:

20 ORDINANCE NO. 20288 introduced by City Manager Brent Trout, allowing and  
21 approving City expenditures for the period January 30, 2021 through February 26, 2021, and  
22 enumerating said expenditures therein, was presented.

23 MINUTES of the regular meeting of March 16, 2021, and the special meeting of March  
24 29, 2021, was presented.

25 APPROVAL of a cereal malt beverage license application for Compass Point located at  
26 800 N. Kansas Avenue was presented.

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

29 ORDINANCE NO. 20289 introduced by Councilmember Spencer Duncan, concerning  
30 all night retailer business licenses, repealing Topeka Municipal Code § 6 5.10.220 and Chapter  
31 5.20, was presented.

32 Councilmember Duncan, reported the ordinance was discussed at the March 16, 2021,  
33 Governing Body meeting and if approved, would repeal the All Night Retailers License an  
34 outdated process with a small fiscal note attached.

35 Councilmember Duncan moved to adopt the ordinance. The motion was seconded by  
36 Councilmember Padilla.

37 Councilmember Ortiz inquired on the purpose of the license.

38 Brian Wheelles, Interim Police Chief, reported the ordinance addressed nuisance and  
39 problem establishments; however, there are now other ordinances in place to regulate such  
40 problems.

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

43 ORDINANCE introduced by City Manager Brent Trout, concerning fire and police  
44 management ordinances, amending Chapters 2.30 and 2.35 of the Topeka Municipal Code, was  
45 presented.

46 Brent Trout, City Manager, stated the ordinance was discussed at the March 16, 2021  
47 Governing Body meeting and the update will insert language inadvertently removed along with  
48 other clean up items in Topeka Municipal Code. He stated staff recommends approval as  
49 presented.

50 Councilmember Emerson expressed concern with forced retirement due to age.

51 Lisa Robertson, City Attorney, reported State law regulates retirement age at 55 years;  
52 however, the City was proposing 60 years of age for firefighters and 67 years of age for police  
53 officers, due to public safety issues related to fit for duty job requirements.

54 Jacque Russell, Human Resource Director, reported Human Resources could invoke a  
55 fitness for duty examination if needed; however, no other City of Topeka positions have an age  
56 limit for retirement. She noted the Fire Department has stressed to the Human Resources  
57 Department, the importance of not working past the age of 60 due to the hazards of the job.

58 Councilmember Padilla stated he understands the concern expressed by Councilmember  
59 Emerson; however, speaking as a retired police officer, all officers have to be physically fit to  
60 perform the job safely and ensure the safety of their partner.

61 Councilmember Duncan asked why the Fire and Police Chief positions are exempt from  
62 the requirement.

63 Bill Cochran, Chief of Staff, stated those positions are usually contracted, excluding them  
64 from the requirement.

65 Brian Wheelles, Interim Police Chief, reported the Police Department supports the  
66 ordinance as presented. He noted he would not expect a Police Chief to be working at the age of  
67 67.

68 Councilmember Hiller expressed concern with regulating statutes being outdated and  
69 having a policy in place that would have unintended consequences.

70 Brent Trout stated he does not believe there would be issues as the policy was in place for  
71 many years.

72 Councilmember Naeger moved to adopt the ordinance. The motion seconded by  
73 Councilmember Padilla failed. Councilmembers Hiller, Duncan, Valdivia-Alcala and Emerson  
74 voted “no.” (4-4-0)

75 SELECTION of one City Council voting representative to serve a three-year term on the  
76 Friends Of Topeka Zoo (“FOTZ”) Board of Directors, was presented.

77 Brent Trout, City Manager, reported pursuant to City of Topeka Contract No. 49243, one  
78 City Council Member representative should be selected to serve as a voting member on the  
79 FOTZ Board of Directors.

80 Mayor De La Isla stated because they are still in a virtual meeting setting, the selection  
81 would take place on “Roll Call” vote as opposed to written ballots. She noted she would open  
82 the floor for nominations followed by “Roll Call” vote for each person nominated until a  
83 nominee receives six (6) affirmative votes.

84 Councilmember Emerson nominated Councilmember Lesser to serve on the FOTZ Board  
85 due to his active interest in the Zoo and his work on the Zoo Master Plan. He reported he spoke  
86 with Councilmember Lesser and confirmed he would like to serve on the Board.

87 Governing Body members expressed concern with selecting a representative that was not  
88 physically present at the meeting to accept the nomination and setting further precedence.

89 Councilmember Ortiz suggested the item be deferred for one week to allow  
90 Councilmember Lesser to be physically present to accept the nomination.

91 Councilmember Ortiz moved to defer the selection of a FOTZ Board member until April  
92 13, 2021. The motion seconded by Councilmember Valdivia-Alcala carried unanimously on roll  
93 call vote. (9-0-0)

94 ORDINANCE NO. 20290 introduced by City Manager Brent Trout, revising the Topeka  
95 Municipal Code by amending Title 11 and repealing Section 2.20.130 to reflect the recent  
96 transition of management and operation of the Topeka Zoo and Conservation Center to Friends  
97 of the Topeka Zoo ("FOTZ"), was presented.

98 Brent Trout, City Manager, reported staff based the proposed ordinance language on the  
99 License and Management Agreement between the City and Friends of the Topeka Zoo  
100 ("FOTZ"), pursuant to which FOTZ assumed responsibility for managing and operating the  
101 Topeka Zoo and Conservation Center effective April 3, 2021.

102 Councilmember Dobler moved to adopt the ordinance. The motion seconded by  
103 Councilmember Naeger carried. (7-1-0)

104 The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Emerson,  
105 Padilla, Naeger, Dobler, Duncan and Mayor De La Isla -8. Nays: Councilmember Valdivia-  
106 Alcala -1

107 DISCUSSION of the Fire Commission recommendations regarding the appropriate level  
108 and type of fire service for the City of Topeka was presented.

109 Sandra Clear, Fire Commission Chair, thanked the Fire Commission for their service.  
110 She stated she believes it was a good process that provided a lot of useful information.

111 Brent Trout, City Manager, reported on December 17, 2019, the Governing Body  
112 authorized the purchase of land (Contract No. 48289) near SW 6th Street, for the potential use as  
113 a future location for a fire station. During the discussion, the Governing Body voted to establish

114 an ad hoc committee to review fire service for the City of Topeka consisting of City Council  
115 Members, Fire Department personnel, citizens and others who work in the related area of fire  
116 protection. Fire Commission meetings were conducted in November and December 2020; and  
117 January, February and March 2021, resulting in the following recommendations:

- 118 1. The Fire Department should continue to provide both medical and fire call service.
- 119 2. The Fire Department should continue to provide Advanced Life Support (ALS) service  
120 where possible in the city.
- 121 3. Build Fire Station 13 in Council District 9.
- 122 4. Repair all maintenance issues to ensure all stations are in working condition and develop  
123 a timeline for completion of these repairs, and develop a schedule to maintain all up keep  
124 on all stations.
- 125 5. Station 13 - Analyze what type of station will fit the needs of the area. For example,  
126 should the station be built, as a two bay or three bay station, and should the rescue boat  
127 be housed at this location. The additional personnel needed to staff Station 13 will be  
128 hired above the amount currently authorized for staffing in the Fire Department. The  
129 additional personnel will be needed because the recommendation is to keep Station 1 and  
130 Station 11 open and fully staffed at the time Station 13 opens. Upon completion of  
131 Station 13, the need for additional stations will be re-evaluated.
- 132 6. A risk assessment led by the Local Emergency Planning Committee and Errin Mahan,  
133 Interim Director of Shawnee County Emergency Management, will be considered in  
134 determining what number of stations and the type of apparatus is needed on the north side  
135 of Topeka. The concerns regarding industry hazards will dictate the decisions on these  
136 two areas. The commodity flow study determines what hazards exist in Shawnee County  
137 including the City of Topeka. Exercises are being conducted to determine where  
138 improvement is needed in the areas of equipment, personnel and apparatus.
- 139 7. The current apparatus replacement schedule will continue to be followed.
- 140 8. Commission recommends a subcommittee be formed to study in detail what each station  
141 needs. The subcommittee would report to the Public Infrastructure Committee that  
142 reviews capital expenditures.
- 143 9. Commission recommends the immediate use of any and all available Covid-19 funding to  
144 complete identified maintenance projects as quickly as possible in compliance with  
145 federal guidelines for usage of funds.

146  
147 The following individuals served on the Fire Commission:

- 148 • City Manager Brent Trout, Co-Chair
- 149 • Sandra Clear, Co-Chair and former Councilmember
- 150 • Councilmember Sylvia Ortiz
- 151 • Councilmember Christina Valdivia-Alcala
- 152 • Councilmember Mike Lesser
- 153 • Topeka Fire Chief Craig Duke

- 154 • Topeka Fire Lt. Aaron Freeman
- 155 • Topeka Fire Capt. Jason Broadbent
- 156 • Pablo Martinez, Citizen
- 157 • David King, Citizen
- 158 • Christopher Sullivan, Citizen
- 159 • Errin Mahan, Shawnee County Emergency Management Interim Director

160 Commission Chair Clear stated there was a strong recommendation by the Commission to  
161 repair all existing fire stations as a first priority.

162 Councilmember Valdivia-Alcala thanked the citizens and firefighters that participated in  
163 the meetings and discussion as well as Oakland neighborhood businesses for their input. She  
164 referenced heated discussions related to keeping Station 11 open, building a new Station 13, and  
165 that budget discussions will be the responsibility of the Governing Body. She expressed the  
166 importance of the City tracking renovations and repairs of the existing stations to make certain  
167 repairs take place in a timely manner.

168 Councilmember Ortiz expressed the importance of continuing to evaluate fire services to  
169 help the City make a determination on the type of fire service plan needed in the future.

170 Brent Trout reported there would be a need to analyze services again in five or six years  
171 in order to understand where the growth was happening in the city and determine the next phase  
172 of overall Fire Department services.

173 Councilmember Dobler questioned the feasibility of building a new Fire Station in five  
174 years compared to utilizing mutual aid agreements with surrounding fire departments to address  
175 response time inefficiencies immediately. He referenced the absence of a fire station located  
176 south of SW 37<sup>th</sup> Street, and the serious repercussions it could have due to the number of large  
177 industrial companies located in that area.

178 Councilmember Duncan thanked the Commission for their work and stated he has no  
179 issue with the recommendations or the importance; however, he concurs with Councilmember  
180 Dobler and believes the City does not have five years to consider the future of the City's Fire  
181 Department. He expressed the importance of fully understanding what the recommendations  
182 mean as well as associated needs so the Governing Body can start making decisions on the future  
183 of the Fire Department. He discouraged implementing any more studies and asked citizens to  
184 provide their ideas on how to finance all the needed repairs on existing fire stations and build a  
185 new fire station.

186 Councilmember Naeger encouraged Governing Body members to be realistic about the  
187 tough fiscal decisions related to funding the recommendations. She expressed her support of  
188 repairing existing fire stations; providing educational opportunities; and remaining cautious  
189 when expanding Advanced Life Support (ALS) services. She inquired if the Commission  
190 discussed collaborating with the Metropolitan Topeka Airport Authority (MTAA) Fire  
191 Department.

192 In response, Brent Trout stated the City has agreements with the MTAA as well as the  
193 Army National Guard Fire Department to provide better coverage in the industrial area of  
194 District 7 that has longer response times. He reported available funding will determine when a  
195 new fire station will be built; Staff could begin reviewing potential funding before five years,  
196 however, this would be a policy decision of the Governing Body as it relates to the CIP; there are  
197 three fire stations that provide ALS Service and staff continues to look at what additional stations  
198 could provide the service in the future; educational opportunities will continue to be provided to  
199 Fire Department Staff; and Staff will continue to study response times and training as they move  
200 forward with the overall fire service plan.



201 Councilmember Valdivia-Alcala reported the Commission only began discussion on  
202 potential funding sources, which included an additional sales tax. She agrees there is a need to  
203 start having the tough discussions on how to fund this important public safety project.

204 Commission Chair Clear thanked the Governing Body for allowing her to serve on the  
205 Commission and noted she will continue to monitor the progress of the City as it relates to  
206 moving forwarding with the recommendations in a timely manner.

207 Councilmember Dobler referenced a fire station located within four minutes of his  
208 residence and inquired how mutual aid agreements work. He inquired if the mutual aid  
209 agreements take precedence over City of Topeka Fire Stations responding to incidents. He  
210 stressed the importance of provided equal incident response times to all parts of the city as well  
211 as the fiscal advantages of working with all mutual aid partners to come up with a solution -  
212 before moving forward with the large expense of building new stations.

213 Chief Duke explained the mutual aid process. He stated he was willing to negotiate with  
214 all seven mutual aid partners.

215 Councilmember Hiller asked if there were plans to convene a group to continue  
216 discussions on the fire stations, including the review of all the different studies to analyze the  
217 information and understand needed services in all parts of the city. She noted she believes the  
218 cost will be much higher to build new fire stations as it relates to personnel and spoke in support  
219 of including mutual aid partnerships as part of the overall plan.

220 Brent Trout reported discussions would begin shortly after 2022 budget deliberations are  
221 complete.

222 Councilmember Emerson stated he concurs with Councilmember Dobler regarding the  
223 importance of having productive mutual aid agreements in place with all local partners.

224 Councilmember Hiller referenced the split in support by the Commission as it relates to  
225 funding resources such as increased taxes.

226 Brent Trout agreed the Commission was unsure about funding sources and instead  
227 concentrated on recommendations.

228 Councilmember Valdivia-Alcala stated the members were unclear on their role as it  
229 relates to the funding piece; however, they were more than willing, and still are ready to discuss  
230 all funding options.

231 Mayor De La Isla encouraged the Governing Body to send any new comments to the City  
232 Manager so he can compile for future discussions and final recommendations.

233 PUBLIC COMMENT was provided by the following individual:

234 Steven Henry, Topeka JUMP, spoke in support of the nationwide Oxford House program,  
235 an after care home for those recovering from addictions. He explained the need for more Oxford  
236 Houses in the Topeka area, providing an opportunity for more people to stay in recovery and out  
237 of jail. He invited the Governing Body to attend the Nehemiah Action Assembly on April 26,  
238 2021, at 7:00 p.m. via Zoom.

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

241 Brenda Younger, City Clerk, provided an overview of the April 13, 2021, Governing  
242 Body agenda.

243 Brent Trout, City Manager, introduced the new City of Topeka Public Work's Director,  
244 James Jackson. He announced the Zoo transition was complete aside from a couple Information  
245 Technology (IT) issues and thanked City Staff for their hard work and great accomplishment.

246 James Jackson, Public Works Director, thanked the Governing Body and the City  
247 Manager for allowing him to serve the citizens of Topeka.

248 Mayor De La Isla welcomed Public Works Director Jackson. She announced a new  
249 strain of the COVID-19 virus has been confirmed in Shawnee County. She urged citizens to  
250 continue wearing a mask and to visit the Shawnee County website for more information on the  
251 COVID-19 vaccine.

252 Councilmember Duncan thanked citizens for attending his “open hours” event on April 3,  
253 2021. He thanked Staff on multiple levels in the Utility, Police and Public Works Departments  
254 for responding to numerous incidents in his district.

255 Councilmember Hiller requested Governing Body members report quarterly on what  
256 occurs in each district and expressed her appreciation to Staff during this busy time of the year.  
257 She announced the Topeka Tulip Time Tour would run from April 9-25, 2021, and encouraged  
258 citizens to participate in the many events held throughout the city.

259 Councilmember Valdivia-Alcala announced the Oakland Community Garden Ground  
260 Breaking Ceremony on April 10, 2021 at 9:00 a.m. She thanked the core volunteers and local  
261 businesses that have donated to make the Community Garden a reality. She announced a  
262 community meeting on April 25, 2021 at 2:00 p.m. at Lundgren Elementary School to continue  
263 discussions on how to reduce crime and eliminate drug houses. She urged citizens to continue to  
264 wear masks and take care of each other as it relates to the COVID-19 pandemic.

265 Councilmember Naeger thanked the Mayor for her service. She encouraged citizens to  
266 schedule their COVID-19 vaccine and to continue to wear a mask and take care of each other.

267 Councilmember Dobler welcomed new Public Works Director Jackson. He referenced  
268 the comments made by Steve Henry and expressed the need for more services in the city related

269 to addition recovery. He stated he was confident the City could find a way to provide adequate  
270 fire service coverage to all areas of the city and noted the City has been able to overcome many  
271 other major issues in the community with large fiscal notes attached.

272 Councilmember Emerson moved to recess into executive session for a period of time not  
273 to exceed 45 minutes to discuss upcoming employer-employee negotiations, as justified by KSA  
274 75-4319(b)(3). In order to aid the discussion, the following individuals were present: Members  
275 of the Governing Body; City Manager, Brent Trout; Chief of Staff, Bill Cochran; Administrative  
276 & Financial Services Director, Jessica Lamendola; Human Resources Director, Jacque Russell;  
277 Fire Chief, Craig Duke; Senior Assistant City Attorney, Catherine Walter; Budget and  
278 Performance Manager, Stephen Wade; and City Attorney, Lisa Robertson. The motion seconded  
279 by Councilmember Padilla carried unanimously on roll call vote. (9-0-0)

280 Following a 45-minute time period the meeting reconvened into open session and Mayor  
281 De La Isla announced no action was taken.

282 Councilmember Dobler moved to recess into executive session for a period of time not to  
283 exceed 30 minutes to discuss confidential employments matters pertaining to nonelected  
284 personnel, as justified by KSA 75-4319(b)(1). In order to aid the discussion, the following  
285 individuals were present: Members of the Governing Body and City Manager, Brent Trout. The  
286 motion seconded by Councilmember Naeger carried unanimously on roll call vote. (9-0-0)

287 Following a 30-minute time period the meeting reconvened into open session and Mayor  
288 De La Isla announced no action was taken.

289 NO FURTHER BUSINESS appearing the meeting adjourned at 9:00 p.m.

290  
291 (SEAL)

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Brenda Younger  
City Clerk