

Governing Body Minutes – April 7, 2020

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, April 7, 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 participating remotely presided -1.

AFTER THE MEETING was called to order, Tim Haberkorn, Sacred Heart Catholic Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

APPOINTMENTS were presented as follows:

BOARD APPOINTMENT recommending the appointment of Mary Cuevas to the Civil Service Commission to fill a vacant position ending March 16, 2024, was presented. (*Council District No. 9*)

BOARD APPOINTMENT recommending the appointment of Robert Bausch to the City of Topeka Board of Electrical Appeals for a term ending December 31, 2021, was presented. (*Council District No. 5*)

BOARD APPOINTMENT recommending the appointment of Kelsey Savage to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2021, was presented.

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9170 introduced by City Manager Brent Trout repealing the previously-adopted resolution authorizing the initiation of litigation against the manufacturers of prescription opiates was presented.

ORDINANCE NO. 20239 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period February 1, 2020, through February 29, 2020, and enumerating said expenditures therein was presented.

APPROVAL OF MINUTES of the regular meeting of March 10, 2020, and the special meeting of March 26, 2020, was presented.

APPROVAL of the following Open After Midnight licenses was presented:

<u>Business Name</u>	<u>Address</u>
Cyrus Hotel	920 S Kansas Ave
Happy Basset	6044 SW 29 th Street
IHOP 5318	1731 SW Wanamaker Road
Jeremiah Bullfrog's	2940 SW Wanamaker Road
Love's Travel Stop #769	1811 NW Brickyard Road
Sk8 Away	815 SW Fairlawn Road
Specks Bar & Grill	2105 SW Mission Avenue
Tailgators	2025 SW Urish Road #108
The Carwash	720 SW Gage Boulevard
The Carwash	1814 SW 10 th Avenue
The Pennant	915 S Kansas Avenue
The Spot Tavern	2202 SW Buchanan Street
TPAC	214 SE 8 th Avenue

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

PUBLIC HEARING and ORDINANCE NO. 20240 introduced by City Manager Brent Trout relating to the vacation of 150 linear feet of public alley right-of-way, 20 feet in width, extending west from SW Tyler Street and adjacent to property located at 623 SW 10th Avenue in the City of Topeka, Shawnee County, Kansas, was presented. (V19A/01) (Council District No.1)

Bill Fiander, Planning and Development Director, reported the applicant plans to improve and reconfigure the driveway access and parking lot to include a portion of property previously occupied by the former Pepe and Chela's restaurant. He noted the Planning Commission and Planning Department recommended approval.

Mayor De La Isla opened the public hearing and announced if anyone would like to provide public comment by participating remotely they may do so at that time.

Upon no one participating remotely, Mayor De La Isla announced the public hearing was closed.

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

Mayor De La Isla announced she must leave the meeting for a short time and requested Deputy Mayor Emerson preside over the meeting until she returns.

Councilmember Ortiz asked when the former restaurant sign would be removed from the property.

Bill Fiander reported the sign must be removed by October 1, 2019; however, it may be sooner if the new owners begin improvements before that time.

The motion to adopt the ordinance carried unanimously. (9-0-0)

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

ORDINANCE NO. 20241 authorizing annexation for property located at 2030 SE 41st Street within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits Shawnee County, Kansas, was presented. (*Council District No. 4*) (*A20/1*)

Bill Fiander, Planning and Development Director, reported the applicants are developing

a new church and parking lot on the smaller 2-acre portion of the site. He stated the property was located in an area of the city where utility services are available as well as contiguous to city limits and located within Tier II of the City's Urban Growth Area. He noted the Planning Commission and Planning Department recommend approval.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Duncan carried unanimously. (9-0-0)

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

ORDINANCE NO. 20242 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 a 2.2 acre portion of property located at 2030 SE 41st Street, the northeast corner of SE California Avenue and SE 41st Street, from "RR-1" Residential Reserve District to "R-1" Single Family Dwelling District, was presented. (Z20/01)(Council District No. 4)

Bill Fiander, Planning and Development Director, reported the zoning request was associated with the request to annex property located at 2030 SE 41st Street. He stated the rezoning of property would be limited to the 2-acre tract rather than the entire 28-acre parcel proposed for annexation because there was no development currently proposed on the remaining property. He noted the Planning Commission and Planning Department recommend approval.

Deputy Mayor Emerson 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 this communication occurred and indicate that even in light of having engaged in this communication they are 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. The declaration was required due to the fact the Governing Body was acting in a quasi-judicial role in making the decision and must demonstrate that appropriate due process has been afforded.

Ex parte communication was declared by Deputy Mayor Emerson.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Dobler carried unanimously. (9-0-0)

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

Mayor De La Isla returned to the meeting remotely, and presided over the remainder of the meeting.

AN UPDATE on the COVID-19 pandemic was provided by Dr. Gianfranco Pezzino, Shawnee County Health Officer. Dr. Pezzino highlighted the following items concerning the COVID-19 pandemic:

- Number of cases in the community
- The need for more test kits
- Transmission of infection continues to increase
- Recommendation to adopt different types of testing in order to test everyone with a cough and fever
- The variety of social distancing measures that have been implemented throughout the community
- The difficulty in determining when the illness will peak
- Hospitals remain reactive and continue to prepare for the virus to peak
- The series of parameters must be examined over the next few weeks before the stay-at-home order can be lifted
- Changes must be incremental and include the ability to work together when the stay-at-home order is lifted
- The importance of cooperation between the County and City

Governing Body members expressed their appreciation to Dr. Pezzino for providing clear information on the pandemic and inquired on the following:

- If area hospitals as well as the City and County are prepared to receive patients from other counties.
- If there was a prediction of reoccurrence of the COVID-19 virus.
- If the Farmer's Market should be allowed to operate starting April 11, 2020.
- If there will be tracking mechanisms in place for individuals coming from other counties.
- The specifics regarding the use of face masks.
- If County mandates are lifted, will there still be precautionary measures suggested or mandated for senior facilities.
- If hospital facilities are assisting those employees who are worried about exposing their families.

In response, Dr. Pezzino provided the following information:

- Area hospitals are restructuring entire wings to acquire more rooms for incoming patients and working to close the gap of needed resources in preparation for when the virus will peak.
- They are unsure at this time if the virus will reoccur at a later date because there are too many unknowns at this time to make a prediction.
- He believes allowing the Farmer's Market to operate will be a serious health concern and organizers should operate with caution.
- Face masks remain a personal choice; however, people need to understand by wearing a mask it protects the other person from the particles that transmit the virus and may not protect the person wearing the mask. Social distancing and hand washing are a must.
- Senior facilities remain a top priority and the County will keep some measures in place for senior facilities.
- Hospitals are taking all possible measures to keep employees safe with the resources that are available.

Mayor De La Isla reported a local hotel was providing rooms for first responders and medical personnel and to contact Aaron Mahen 785-251-4848 at Incident Command Emergency Center, in regards to needed medical supplies for personnel.

PULIC COMMENT: Due to the public safety mandates surrounding the COVID-19 pandemic there will be no in-person public comment; however, written public comment may be

submitted by email or in writing to the City Clerk for attachment to the minutes. -- Email: cclerk@topeka.org -- Address: 215 SE 7th Street, Room 166, Topeka, Kansas, 66603.

No public comment was received.

ANNOUNCEMENTS BY THE CITY MANAGER AND MAYOR ;

Brent Trout, City Manager, reported on current staffing levels; future staffing plans when stay-at-home orders are lifted; the state of the City's 2020 operational budget and the plans to address the 2021 operational budget. He stated they will continue to monitor local, state and national guidance and adjust plans accordingly.

Mayor De La Isla discussed options for free food to kids through USD 501. She thanked everyone for their work during the pandemic and the significant work being done in cooperation with the County.

Councilmember Padilla thanked City staff for providing essential services to the community. He expressed his appreciation to Dr. Pezzino for providing clear factual information.

Councilmember Naeger thanked healthcare workers for their services and asked everyone to do their part in staying home. She reported small businesses have resources available to help them better understand the CARES Act through the Topeka Chamber of Commerce and the State of Kansas Department of Labor.

Councilmember Dobler expressed concern with facing the current financial healthcare crisis as well as the impending financial crises in upcoming months. He thanked City Administration and Mayor De La Isla for their leadership in addressing the tough issues.

Councilmember Duncan stated the City has made accommodations for staff members to self-isolate for anyone that has come into contact with the virus at no cost to individual. He

expressed his frustration with the lack of communication by USD 501 representatives in regards to decisions relating to food service for kids. He stated he understands the need to keep USD 501 employees and volunteers safe; however, he would have preferred a transition period for all involved.

Councilmember Lesser thanked first responders and healthcare workers for their service as well as all community leaders for their work in keeping the community safe.

Councilmember Valdivia-Alcala stated she concurs with Councilmember Duncan in regards to decisions made by USD 501 representatives and their food service for kids. She reported it was brought to her attention that there will be no overtime for Fire Department employees. She spoke in opposition of cutting public safety services and expressed the importance of transparency in regards to decisions impacting public safety.

Councilmember Hiller thanked businesses and employees for keeping essential services open. She reported the www.supporttopeka.com website boasts local information and thanked the City Manager and other community leaders for their guidance.

Councilmember Ortiz thanked staff for their hard work in coordinating ZOOM meetings and all City employees for providing essential services. She thanked Mayor De La Isla for her continued leadership as well as her outreach programs for children and adults.

Councilmember Emerson thanked City and County staff members for coordinating efforts during this difficult time.

Mayor De La Isla reported she conducts weekly meetings with different pastors every Wednesday at 11:00 a.m., and the Catholic Church every Thursday at 11:00 a.m. She thanked Nelson Casteel, Shawnee County Emergency Management Operations Section Chief and Ambulance Compliance Officer, as well as all the volunteers for working hard to provide factual

information.

Brent Trout reported on the following in regards to cutting public safety services:

- A hiring freeze has been instituted for the City across the organization.
- Currently, there are a number of vacancies in the Fire Department as well as the potential for more retirements in the next quarter.
- At this time, it remains unclear if the next Fire Department New Recruit Academy will begin in April due to potential funding issues.
- Staff continues to look for ways to save money through the daily review of staffing needs; allowing fire personnel to cross level individuals from station to station to keep each apparatus operating; and not allow call back overtime.
- There have been discussions with Union representatives and they are aware and have provided input into the decision.
- The plan will be implemented in two weeks.

Councilmember Valdivia–Alcala stated she would like to clarify to the public that there will be no overtime for Fire Department employees until further notice, and it was her understanding Station No. 1 would be the first to close and Truck No. 9 would be the first to be removed from service if necessary.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:36 p.m.

(SEAL)

Brenda Younger
City Clerk