



City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
<https://www.topeka.org>

Governing Body Agenda

December 15, 2020
6:00 PM

VIRTUAL MEETING ONLY *via* ZOOM due to Covid-19 Pandemic

Mayor: Michelle De La Isla

Councilmembers

Karen A. Hiller	District No. 1	Hannah Naeger	District No. 6
Christina Valdivia-Alcala	District No. 2	Neil Dobler	District No. 7
Sylvia E. Ortiz	District No. 3	Spencer Duncan	District No. 8
Tony Emerson	District No. 4	Michael Lesser	District No. 9
Mike Padilla	District No. 5		

City Manager: Brent Trout

Addressing the Governing Body: Public comment for the December 15th meeting will be available via Zoom. Individuals must contact the City Clerk's Office at 785-368-3940 or via email at cclerk@topeka.org by no later than 3:00 p.m. on December 15th after which the City Clerk's Office will provide Zoom link information and protocols prior to the December 15th meeting. No in-person public comment will be allowed as the meeting will be conducted entirely virtual.

Written public comment may also be considered to the extent it is submitted personally to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at cclerk@topeka.org by no later than December 15th for attachment to the meeting minutes.

The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. To reach the City Clerk's office using the TRS, please dial 711.

Agendas are available by 5:00 p.m. on Thursday in the City Clerk's Office, 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or on the City's website at <https://www.topeka.org>.

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. ROLL CALL:

2. PRESENTATIONS:

"Recognition of City of Topeka Retirees"
"Polk Quincy Viaduct"

3. CONSENT AGENDA:

A. MINUTES of the regular meeting of December 8, 2020

B. APPLICATIONS:

4. ACTION ITEMS:

A. Ordinance - 2021 Topeka Tourism Business Improvement District Fee Structure

ORDINANCE introduced by City Manager Brent Trout, amending City of Topeka Code Section 3.65.035 establishing a service fee levy for 2021 relating to the Topeka Tourism Business Improvement District and specifically repealing said original section.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would continue the imposition of business improvement service fees on hotels within the district in the amount of \$1.00 per occupied room per night. The BID Advisory Board recommends no change to the fee.)

B. Ordinance - American Medical Response (AMR) Franchise Agreement

ORDINANCE introduced by City Manager Brent Trout, providing for a nonexclusive franchise to American Medical Response to operate an ambulance service within the City of Topeka until December 31, 2021, and replacing the franchise ordinance codified at City Code Appendix B, Article XI that will expire December 31, 2020.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would grant AMR a nonexclusive franchise agreement for one year.)

C. Resolution - 2021 Governing Body Meeting Schedule

RESOLUTION introduced by Deputy Mayor Tony Emerson, cancelling certain Governing Body meetings for calendar year 2021.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would provide notice that meetings would not be held on August 2, 2021, Primary Election Day and November 2, 2021, General Election Day)

D. Ordinance - Non-Discrimination Ordinance - Title 9.20

ORDINANCE introduced by Councilmember Hannah Naeger, concerning nondiscrimination ordinances, amending City of Topeka Code Section Sections 9.20.020 and 9.20.040, repealing

original sections, as well as creating Sections 9.20.010, 9.20.030 and 9.20.050.

Voting Requirement: At least five (5) votes of the Governing Body is required. The Mayor does not vote.

(Approval would clarify City policy related to retaliation in employment, housing and public accommodations through the addition of gender identity, genetic information, sexual orientation and veteran status to the list of protected classifications. The proposed ordinance also provides enhanced punishment for crimes relates to bias and references the Byrd Act, which addresses these types of crimes at a federal level.)

5. NON-ACTION ITEMS:

A. Discussion - 2015 International Existing Building Code (IEBC)

DISCUSSION concerning adoption of the 2015 International Existing Building Code

(Approval will adopt the 2015 International Existing Building Code (IEBC).

6. PUBLIC COMMENT:

Public comment for the December 15th meeting will be available via Zoom. Individuals must contact the City Clerk's Office at 785-368-3940 or via email at cclerk@topeka.org by no later than 3:00 p.m. on December 15th after which the City Clerk's Office will provide Zoom link information and protocols prior to the December 15th meeting. No in-person public comment will be allowed as the meeting will be conducted entirely virtual. Written public comment may also be considered to the extent it is submitted personally to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at cclerk@topeka.org by no later than December 15th for attachment to the meeting minutes.

7. ANNOUNCEMENTS:

8. EXECUTIVE SESSION:

Executive Sessions are closed meetings held in accordance with the provisions of the Kansas Open Meetings Act.

(Executive sessions will be scheduled as needed and may include topics such as personnel matters, considerations of acquisition of property for public purposes, potential or pending litigation in which the city has an interest, employer-employee negotiations and any other matter provided for in K.S.A. 75-4319.)

9. ADJOURNMENT:



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 15, 2020

DATE:	December 15, 2020	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

"Recognition of City of Topeka Retirees"
"Polk Quincy Viaduct"

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

Polk Quincy Viaduct Update - Presentation - Dec 15, 2020

Polk Quincy Viaduct

Project Update

December 15, 2020

I-70 TOPEKA
Polk-Quincy Viaduct Design

WSP

Bartlett & West

INSLEY & LUNNIFIELD

KDOT



IKE

THE EISENHOWER LEGACY
TRANSPORTATION PROGRAM

History of Polk Quincy

- Concept Study – 2011
- Field Check Design in the KDOT TWORKS program – 2015
- **I-70 Polk Quincy from MacVicar to 6th Street** selected for Development Pipeline “IKE” – Eisenhower Legacy Transportation Program - 2020



Bridge Condition

- Viaduct bridge condition prioritized the west project for selection
- Existing Viaduct bridge needs repairs
- KDOT will do a maintenance project in 2022 to keep it operating short term



Traffic Study Update 2055 Future Traffic Volumes

Confirmed
2-lanes on each
viaduct meets
future capacity



1-70 TOPEKA
Polk-Quincy Viaduct Design

2 – Split Diamond Interchange Concept

- West project – Split between Topeka and Kansas
- East project – Split between 8th and 10th



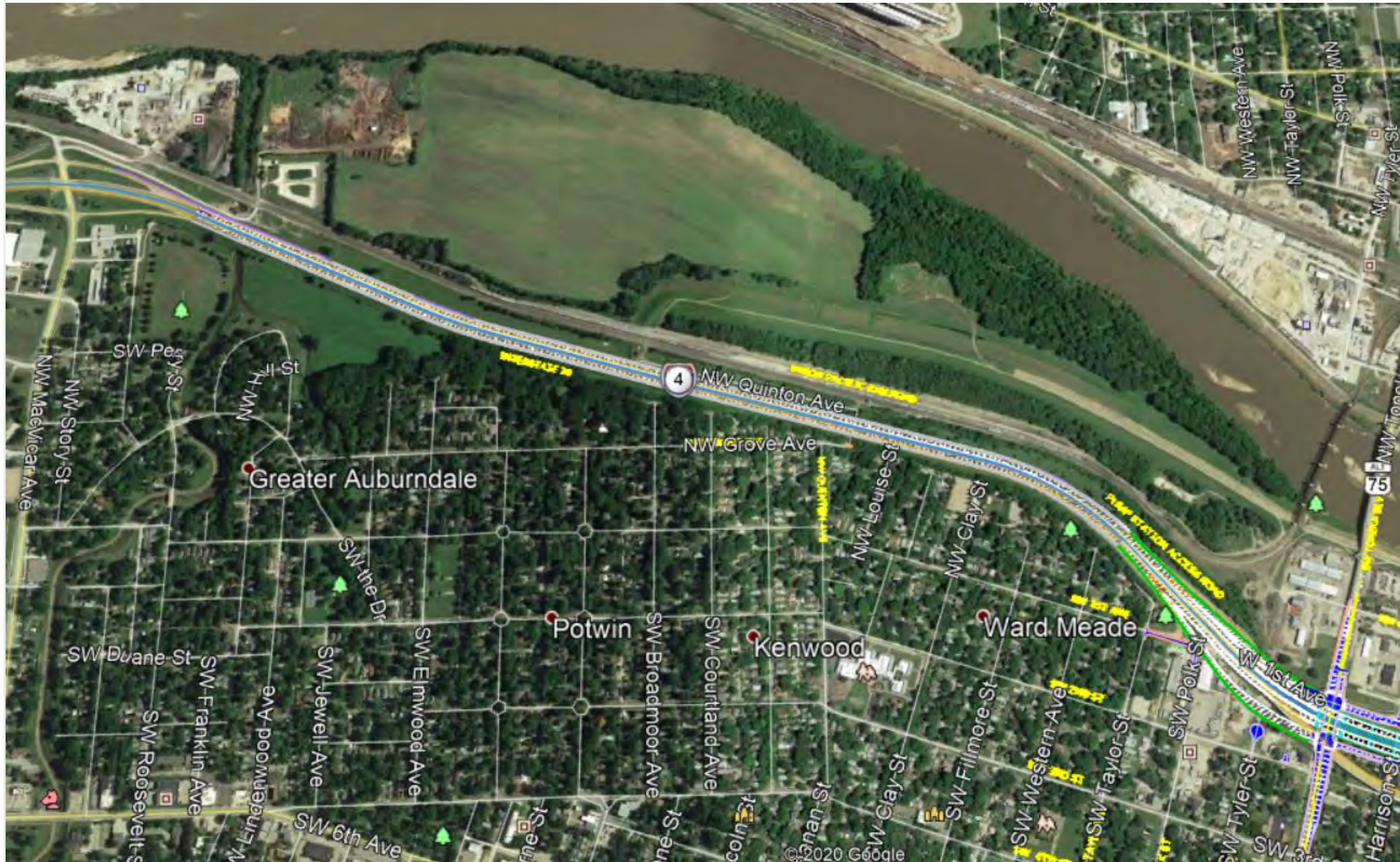
1-70 TOPEKA
Polk-Quincy Viaduct Design

West Project
includes I-70
widening to
3-lanes
MacVicar to
Topeka



I-70 TOPEKA
Polk-Quincy Viaduct Design

wsp | Bartlett & West | TERRY & TERRY



City Street Network Connectivity

- 1st & Kansas
- Harrison Street
- 4th & Madison

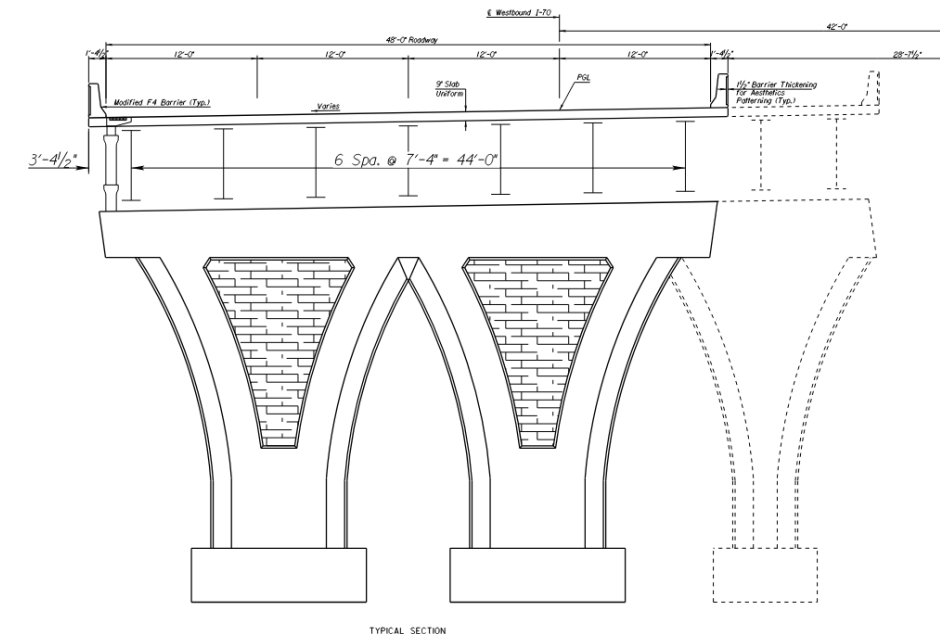
- 10' shared use paths
- Bike/Pedestrian connectivity



1-70 TOPEKA
Polk-Quincy Viaduct Design

Cost Savings

- Removed tunnel at 4th Street
- Removed tunnel at 6th Street
- 2-lane viaducts with shoulders instead of 3-lane
- Total savings \$14,000,000



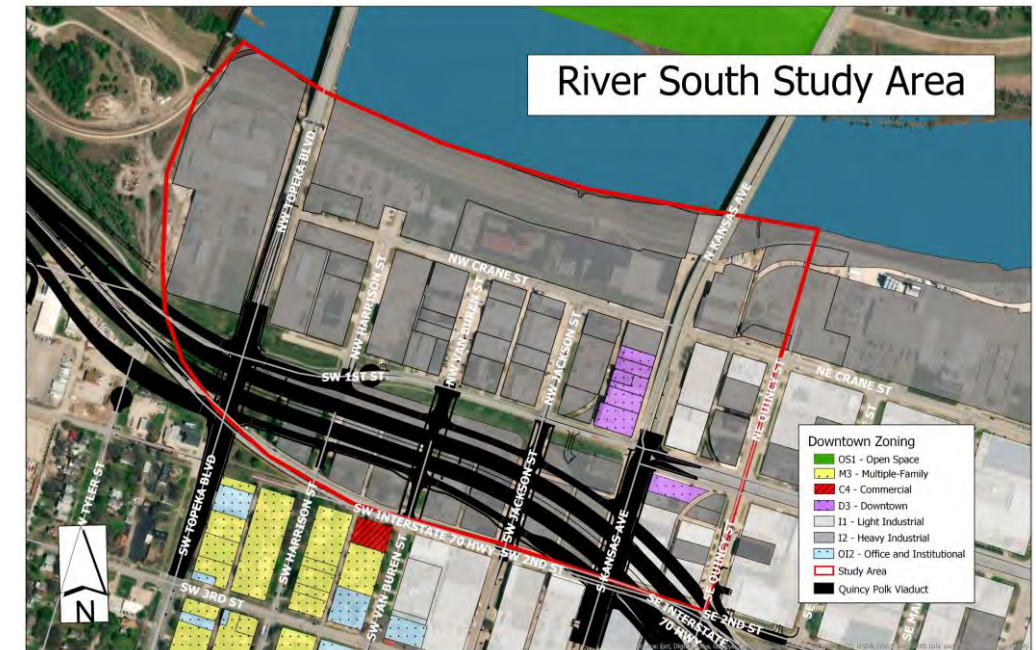
1-70 TOPEKA
Polk-Quincy Viaduct Design

Next Steps

- Public involvement
- Continue to work with the City on minor design tweaks for access and connectivity
- Continue to work with the City on bike/pedestrian considerations
- Plans to Right-of-way March 2021
- Right-of-way acquisition 2021-2024



1-70 TOPEKA
Polk-Quincy Viaduct Design



Questions?

I-70 TOPEKA


Polk-Quincy Viaduct Design

 **Bartlett & West** 

KDOT
★★★★★
IKE

THE EISENHOWER LEGACY
TRANSPORTATION PROGRAM



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 15, 2020

DATE: December 15, 2020
CONTACT PERSON: Stephen M. Wade, **DOCUMENT #:**
Budget and
Performance Manager
SECOND PARTY/SUBJECT: Topeka Tourism **PROJECT #:**
Business Improvement
District
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:** 12
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, amending City of Topeka Code Section 3.65.035 establishing a service fee levy for 2021 relating to the Topeka Tourism Business Improvement District and specifically repealing said original section.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would continue the imposition of business improvement service fees on hotels within the district in the amount of \$1.00 per occupied room per night. The BID Advisory Board recommends no change to the fee.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Approval would continue the imposition of business improvement service fees which are used to provide a variety of services in the district.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

State law authorizes the imposition of service fees on businesses located within a business improvement district

created by a city. Topeka has established such a district encompassing the city limits. The service fees must be approved annually by the governing body.

Since 2018, when the district was established, the fees have been \$1 per paid occupied room per night on hotel room rentals. The BID Advisory Board is recommending no changes to this fee.

The fees are used for a variety of statutory purposes that include beautification, architectural design for public spaces such as the Downtown Plaza, and support for community events.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Proposed Ordinance

Topeka Lodging Association - 2020 Tourism BID Report

Ordinance 20074 (Creation of Fee)

Topeka Lodging Association Contract No. 46320

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager, Brent Trout, amending City of Topeka Code § 3.65.035 establishing a service fee levy for 2021 relating to the Topeka Tourism Business Improvement District and specifically repealing said original section.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 3.65.035, TTBD Service Fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

3.65.035 TTBD Service Fees

(a) The service fee levied on all hotels in the District for calendar year ~~2020~~ 2021 shall be \$1.00 per paid occupied room per night on hotel room rentals.

(b) All revenue from the service fees shall be placed in a special fund, as required by K.S.A. 12-1792 and amendments thereto and shall be used only for the services identified in TMC 3.65.020.

Section 2. That original § 3.65.035 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on _____.

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CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



2020 Tourism Business Improvement District Report

ADVISORY BOARD

Stephanie Gassen

Rob Bergquist

Linda Morgan

Dean Patel

Kurt Young

Vince Frye

PURPOSE

The Tourism Business Improvement District (TBID) was created to provide supplemental funding to the Topeka Lodging Association (TLA) to design and assist in the development of a Downtown Topeka Plaza. The Topeka City Council voted to adopt the TBID ordinance on March 14, 2017 and the TBID commenced on January 1, 2018. The plaza will create economic prosperity in our community with increased tourism, property values and business development.

2021 PROGRAM OF SERVICE

1. Provide funding for the administration of TLA.
2. Provide funding for a contingency fund for administrative and TLA operational needs that may arise.
3. Provide funding for the City of Topeka for the overall administration of the Tourism Business Improvement District.
4. Provide funding to the Downtown Topeka Foundation to subsidize the on-going operation of the plaza.

OPERATIONAL SUPPORT

2020 has been a year none of us will likely forget. For all of those individuals who have been involved in the design and construction of the Evergy Plaza, 2020 has a very special meaning. The majority of the construction of the Evergy Plaza was completed in April. Commissioning of the Crossroads Fountains was delayed for several months due to restrictions imposed by the virus. In late August and early September, with help from a lot of people, we were able to successfully commission the Crossroads Fountains and have them in operation for about a month before we shut it down for winterization. I

think everyone who has had the opportunity to see the fountains and participate in events at the Evergy Plaza can finally see that the finished product will definitely be an asset of monumental proportions for years to come.

In 2020 all TBID funding provided to the Downtown Topeka Foundation was designated to subsidize the operation of the Evergy Plaza. While 2020 has certainly been an anomaly we are very happy to report that \$219,948.70 was distributed to the Downtown Topeka Foundation. This was accomplished in spite of a complete downturn in occupancy due to the pandemic. Beginning in March, hotel occupancy rates fell to historic lows due to the COVID crisis. While occupancy rates have increased somewhat over the last two or three months it will be some time before they return to their normal levels. The TBID Advisory Board approved an additional payment \$20,000 in May of this year to DTF from the TBID contingency fund. This payment was above and beyond what was obligated to help offset some of the downturn in funding provided by the transient guest tax dollars that the foundation depends on to make debt service payments.

The excitement generated by the Evergy Plaza and all of its assets in the short time it has been open has been overwhelming. It was difficult at best to have to shut the fountains down at a time they were truly beginning to have an impact in the community.

ADMINISTRATIVE SERVICES

TBID Administration

1. TLA continues to provide staffing for training all hoteliers and provide property level assistance in accurately reflecting the TBID collection on customer folios.
2. TLA has continued to play an active role in the on-going education and updating of records to maintain an accurate database. i.e. ownership changes, property closings etc. This will be an on-going process over time.
3. TLA will again be utilizing the services of BT&Co. to review all TBID accounting procedures used by TLA representatives and ensure compliance with the “Agreed Upon Procedures” document that was established last year. This document details acceptable procedures for the accounting and use of the TBID monies that are consistent with the guidelines set forth by the City of Topeka when the TBID was enacted on March 14, 2017.

TLA Administration

1. The TLA Executive Director has been actively involved, on a daily basis, in the design, development and construction of the Evergy Plaza and is now continuing his role as a liaison between TLA and the Downtown Topeka Foundation.
2. TLA staff has been active in conducting presentations to educate Topeka residents regarding the development and future use of the Evergy Plaza.
3. TLA continues to work in conjunction with Visit Topeka to determine methods and means to continue to grow Topeka as a destination through the development of the plaza and increase occupancy in the Topeka and Shawnee County hotels. It is the expectation of TLA membership

that with the growth and popularity of the Evergy Plaza that the amount of revenue generated by the TBID will increase as average occupancy increases.

4. TLA is represented on the Downtown Topeka Foundation board of directors, the developer of the Evergy Plaza, through the presence of our Executive Director.

In conclusion, with this report, we hereby ask that the City Council re-authorize the TBID funding to continue at a rate of \$1.00 per sold room for 2021.

We appreciate the continued support from the City Council and look forward to 2021 and the progress of the Evergy Plaza.

(Published in the Topeka Metro News July 17, 2017)

ORDINANCE NO. 20074

AN ORDINANCE introduced by Interim City Manager, Douglas Gerber, concerning service fee levied in Topeka Tourism Business Improvement Districts, creating new section TMC 3.65.035.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 3.65.035, which said section reads as follows:

TTBID Service Fees.

(a) Effective January 1, 2018, the service fee levied on all hotels in the District for calendar year 2018 shall be \$1.00 per paid occupied room per night on hotel room rentals.

(b) All revenue from the service fees shall be placed in a special fund, as required by K.S.A. 12-1792 and amendments thereto and shall be used only for the services identified in TMC 3.65.020.

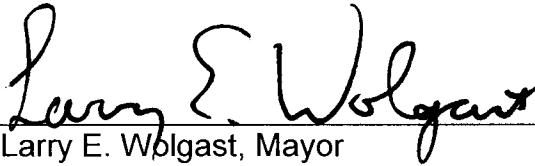
Section 2. This ordinance, which is subject to the protest provisions of K.S.A. 12-1789 and amendments thereto, shall take effect upon its passage, approval and publication in the official City newspaper, but shall be subject to repeal if, within 45 days following publication of the ordinance, a sufficient petition by the owners of a majority of the businesses located within the District is submitted to the City Clerk to compel repeal of this ordinance and dissolution of the District.

Section 3. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

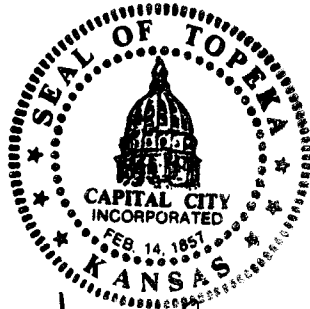
28 Section 4. Should any section, clause or phrase of this ordinance be declared
29 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
30 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

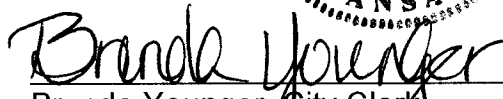
31 PASSED AND APPROVED by the Governing Body on July 11, 2017.

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33 CITY OF TOPEKA, KANSAS

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36 Larry E. Wolkast, Mayor

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38 ATTEST:



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43 Brenda Younger, City Clerk

ADMINISTRATIVE ACTION FORM

Contact Person:	Mary Feighny, Deputy City Attorney	Date:	10/4/2017
Document Type:	Contract/Agreement (not involving C & P)	Document #:	410320
Second Party:	Topeka Lodging Association	Project #:	
Subject:		HTE #:	
Department/Division:	Legal - ATTY	CIP Project?	No
Category/Subcategory:	007 Contracts and Amendments / 018 Other		

Requested Action: Approve and Execute Document

OCT 10 2017

Financial Implications:

Tourism
Finance will facilitate collection of business improvement district service fee imposed by hoteliers. A service fee of \$1 per hotel room will be collected by hoteliers and remitted to a financial institution retained by the finance department. The Topeka Lodging Assn. will pay a 2% fee to City to administer the collection process.

Ordinance No. 20064 requires that the City Manager contract with the Topeka Lodging Assn. to manage and provide services to the Topeka Tourism Business Improvement District in accordance with a program of services and a budget provided annually. The agreement addresses collection of the service fee and transfer of the funds to the TLA. The contract begins on 1/1/2018 and ends on 12/31/2022 (5 years).

RECEIVED
CITY CLERK
2011 OCT -5 P 2:07
TOPEKA, KANSAS

Approval/Action Routing:

Approved By:	Department/Division	Date:	
Approved By:	<i>LF</i>	Date:	10-4-17
Approved By:	<i>David R. Lee</i> Chief Fiscal Officer	Date:	10-4-17
Approved By:	<i>B. Younger</i> City Clerk	Date:	10-9-17
Approved By:		Date:	
Return To:	<i>Legal - Feighny</i>		

CITY OF TOPEKA CONTRACT NO. 46320

AGREEMENT

THIS AGREEMENT entered into this 10th day of October, 2017, by and between the City of Topeka, Kansas, hereinafter referred to as the "City," and the Topeka Lodging Association, a not-for-profit corporation, hereinafter referred to as "TLA."

WHEREAS, the City has established the Topeka Tourism Business Improvement District (the District); and

WHEREAS, the services to be provided to the District will include the services identified in K.S.A. 12-1784 and amendments thereto; and

WHEREAS, Topeka Municipal Code (TMC) Section 3.65.020 requires the city manager to contract with the TLA.

NOW, THEREFORE, in furtherance of these objectives and in consideration of the mutual covenants and agreements set forth herein, the City and the TLA hereby agree as follows:

1. SCOPE OF SERVICES. TLA shall provide the services identified in the Budget and Program of Services which are submitted on or before May 15th of each year by the Topeka Tourism Business Improvement District Advisory Board (Board) to the City in accordance with K.S.A. 12-1790 and amendments thereto.

2. COLLECTION OF SERVICE FEE. City is responsible for ensuring collection of the service fee from the hoteliers in accordance with TMC 3.65.030. City may utilize the services of a financial institution that will receive payments and reports on a monthly basis from the hoteliers with the first payment from the hoteliers being

due on or before February 25, 2018. Upon receipt, the financial institution will deposit the service fees into an account maintained by City pursuant to K.S.A. 12-1792 and amendments thereto ("City Account").

3. TRANSFER TO TLA.

(a) The City will transfer all of the funds from the City Account to the TLA, after deducting the City's administrative fee of 2%, on or before the first Friday of each month commencing on or before March 2, 2018.

(b) The parties acknowledge that funding for the services is dependent and conditioned upon the levy and collection of service fees pursuant to K.S.A. 12-1791 and amendments thereto. In no event shall the City be obligated to pay for any services provided by the TLA from the City's general fund regardless of any insufficiency in funds collected pursuant to K.S.A. 12-1791.

4. USE OF FUNDS; RECORDS. TLA shall use the funds generated by the service fee only for the services identified in K.S.A. 12-1784 and shall maintain adequate records so as to fully document and support all expenditures for the architectural design of the downtown Topeka plaza and any other services provided to the District. Such records shall be available for inspection by the City at all times during the normal business hours upon advance notification to the TLA.

5. NONDISCRIMINATION. In carrying out the terms and provisions of this Agreement, TLA will not discriminate against any employee, applicant for employment, recipient of service or applicant to receive services because of race, color, religion, sex, age, disability, national origin, ancestry or any other legally protected status.

6. NO JOINT VENTURE; INDEPENDENT CONTRACTOR. Nothing herein

contained shall be construed or held to make the City a partner, joint venturer, or associate of TLA in the endeavor undertaken in this Agreement, nor shall either party be deemed the agent of the other, it being expressly understood and agreed that the relationship between the parties hereto is and shall at all times remain contractual as provided by the terms and conditions of this Agreement.

7. INDEMNIFICATION. The TLA agrees to indemnify, hold the City harmless, and defend City from any and all claims, causes of action, and damages of every kind arising from the operations and activities of the TLA, its officers, agents, and employees, carried out in furtherance of this Agreement.

8. TERM/TERMINATION.

(a) This Agreement shall be for a term of five (5) years commencing on January 1, 2018, and terminating on December 31, 2022, unless extended in writing by the parties.

(b) Notwithstanding Section (a), this Agreement may be terminated at any time by either party by providing ninety (90) days written notice to the other party. In the event of the termination of this Agreement by either party, the City shall transfer to the TLA in accordance with the provisions of Section 3 all funds that were deposited in the City Account prior to the effective date of the termination of this Agreement.

(c) Notwithstanding Section (a), the parties agree that the City shall have the absolute and unqualified authority to terminate this Agreement at any time during the duration of this Agreement for any of the following reasons:

- (i) Failure of TLA to comply with the terms of this Agreement.
- (ii) Expending services fees for services outside the scope of K.S.A.

12-1784 and amendments thereto.

(iii) TLA's expenditures are unsubstantiated, unauthorized or improper.

(iv) Failure to allow inspection and audit of TLA records by City or its agents.

(v) The District is dissolved in accordance with K.S.A. 12-1789 and amendments thereto.

(vi) TLA dissolves or changes its not-for-profit status, files for bankruptcy protection or fails to remain in good standing with the Kansas Secretary of State.

In any of the foregoing events, TLA shall return all unexpended funds to the City.

9. ASSIGNMENT. This Agreement shall not be assigned by either party, in whole or in part, without the written consent of the other party.

10. AGREEMENT BINDING ON SUCCESSORS. This Agreement shall bind the heirs, successors and assigns of the parties and inure to the benefit of the heirs, successors, and assigns.

11. INTERPRETATION. This Agreement and its interpretation shall be governed by the laws of the State of Kansas. The obligations of the parties are performable, and venue for any legal action arising out of this Agreement shall lie in Shawnee County, Kansas.

12. NOTICE TO PARTIES: Any and all written notices between the parties relating to this Agreement shall be deemed to be sufficiently given if mailed, postage prepaid, by certified or registered mail, return receipt requested, addressed as follows:

If to the TLA:

Topeka Lodging Association
Kurt Young Executive Director
1430 S.W. Woodhull St. #4042
Topeka, Kansas 66604

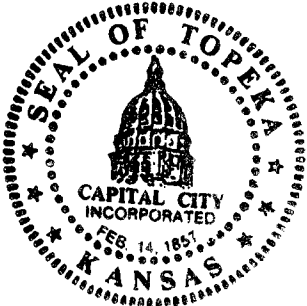
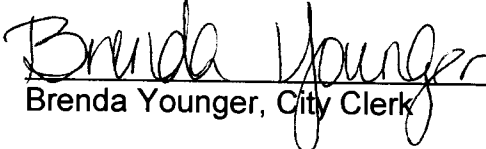
If to the City:

City of Topeka
Brenda Younger, City Clerk
215 SE 7th Street, Room 166
Topeka, Kansas 66603

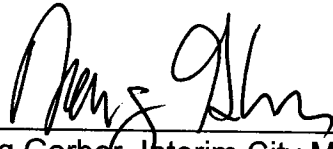
13. REPRESENTATIONS; EXECUTION IN COUNTERPARTS. By signing this Agreement, the parties represent that the person signing this Agreement is authorized to execute this Agreement on behalf of the party, and that the parties agree to be bound by the provisions of this Agreement. This Agreement may be signed by faxed or electronic signature, which shall be deemed to be an original signature. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and all of which shall be deemed to constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have hereto executed this contract as of the day and year first above written.

ATTEST:

The seal of the City of Topeka, Kansas, is circular. It features a central illustration of a domed building, likely the city's capitol. The text "SEAL OF TOPEKA" is arched across the top, and "KANSAS" is arched across the bottom. In the center, below the building, it says "CAPITAL CITY INCORPORATED FEB. 14, 1857".

Brenda Younger, City Clerk

CITY OF TOPEKA, KANSAS


Doug Gerber, Interim City Manager

APPROVED AS TO FORM AND LEGALITY

DATE 10-4-17 BY MF

TOPEKA LODGING ASSOCIATION


Stephanie Gassen, President



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 15, 2020

DATE: December 15, 2020
CONTACT PERSON: Craig Duke, Fire Chief DOCUMENT #:
SECOND PARTY/SUBJECT: American Medical Response (AMR) PROJECT #:
Franchise
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 160 Franchises
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, providing for a nonexclusive franchise to American Medical Response to operate an ambulance service within the City of Topeka until December 31, 2021, and replacing the franchise ordinance codified at City Code Appendix B, Article XI that will expire December 31, 2020.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would grant AMR a nonexclusive franchise agreement for one year.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Approval would grant AMR a franchise agreement for one year so that AMR can provide ambulance services to city residents.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

Shawnee County contracts with AMR to provide ambulance services. The current AMR franchise agreement expires December 31, 2020. Topeka Fire Department and AMR have negotiated a new agreement. The agreement is similar to the 2020 franchise ordinance, but includes new requirements for reporting and data sharing in Section 6 of the ordinance.

BUDGETARY IMPACT:

The annual revenue for ambulance fees remains at \$275 per ambulance and there is a \$1,500 franchise application fee for 2021. Currently, AMR has 16 active ambulance vehicle licenses.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:**Description**

AMR Request for Extension - Nov 30, 2020
Ordinance

November 30, 2020

RECEIVED City of Topeka LEGAL
DEC 2 2020 AM 11:09

City of Topeka
Legal Department
215 SE 7th Street, Rm 353
Topeka, KS 66603

RE: American Medical Response Franchise Extension

American Medical Response would like to formally request an extension for the ambulance franchise. This franchise, adopted and approved by City Council as Ordinance Number 20105, was originally filed on August 30, 1983 pursuant to section 6-21 of the Code of the City of Topeka, Kansas.

As the current provider of emergency medical services for the citizens of Topeka as well as Shawnee County, AMR has received the approval of the County Commission to continue providing service for the period of January 1, 2021 thru December 31, 2021.

Medevac MidAmerica DBA American Medical Response of Topeka continues to provide outstanding pre-hospital care to the citizens of our community. AMR provides this care at a fraction of the cost when compared to other services in the area, requiring one of the smallest subsidies in the entire State of Kansas for the number of citizens we serve.

Therefore, we respectfully ask that you forward this request for renewal to the City Council to extend the franchise for ambulance service to American Medical Response. Thank you for your time and immediate attention to this matter.

Respectfully,



Charles M. Huber, NRP/T
EMS Operations Manager
Shawnee/Wabaunsee County
American Medical Response

Cc: City Manager
Cc: Office of the City Clerk

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by City Manager Brent Trout, providing for a nonexclusive
6 franchise to American Medical Response to operate an ambulance
7 service within the City of Topeka until December 31, 2021, and
8 replacing the franchise ordinance codified at City Code Appendix B,
9 Article XI that will expire December 31, 2020.

10
11 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

12
13 **Section 1. Authority.**

14 This Franchise Ordinance is passed and approved by the Governing Body of the
15 City of Topeka, Kansas, and enacted pursuant to K.S.A. 12-2001 and the authority found
16 and provided for in Chapter 5.25 TMC.

17 **Section 2. Satisfactory qualifications.**

18 The Governing Body of the City of Topeka, Kansas, has considered the legal,
19 character, financial, and other qualifications of the applicant and has found Medevac
20 MidAmerica, Inc., doing business as American Medical Response, hereinafter "AMR," to
21 be qualified in all respects to own, maintain and operate an ambulance service in the City
22 of Topeka, Kansas hereinafter "City." The Governing Body of the City of Topeka finds that
23 public convenience will be promoted and public necessity requires such ambulance
24 service under the terms and provisions of Chapter 5.25 TMC.

25 **Section 3. Service.**

26 The maintenance and operation of an ambulance service by AMR in the City shall
27 be in accordance with these terms and conditions and performance standards set forth in
28 the current ambulance service contract entered into by AMR and the Board of County
29 Commissioners of Shawnee County, Kansas. Said contract is identified as Shawnee

County Contract C207-2016. In addition, AMR agrees to provide to the City Manager of the City copies of documents which are required to be filed pursuant to Shawnee County Contract C207-2016.

In the event that AMR intends to work toward implementing a community paramedicine program/service, it is the goal of AMR and TFD to jointly participate and collaborate in such implementation.

Section 4. Franchise grant.

Pursuant to the provisions of TMC 5.25.040, a nonexclusive franchise is granted to AMR, to own, maintain, and operate an ambulance service within the City. Said nonexclusive franchise is granted through and including December 31, 2021, and shall vest all rights, privileges and immunities of an ambulance service franchise with AMR; however, said nonexclusive franchise shall be subject to and conditioned upon all of the terms, duties and obligations found in the laws of the State of Kansas, Chapter 5.25 TMC, and this Franchise Ordinance.

Section 5. Payments to the City.

Consideration for the rights, privileges, and immunities granted to AMR includes the benefits to be derived by the citizens of the City of Topeka from the maintenance and operation of an ambulance service under the terms and conditions of this Franchise Ordinance.

(a) The ambulance service franchise application fee prescribed by TMC 5.10.040 has been paid to the City Clerk.

(b) On or before April 1 of each year within the term of this Franchise Ordinance, the fees set forth in TMC 5.10.040(b) are due, including the business fee and

an ambulance fee for each AMR ambulance in operation in the City. An ambulance fee for each additional ambulance placed into operation after the initial fee payment is due at the time the additional ambulance is licensed.

(c) Within thirty (30) days of the presentation of an invoice to AMR by the City, AMR shall make payments to the City Treasurer for the following types of assistance:

(1) For each Topeka Fire Department (“TFD”) response to AMR’s request for a non-emergency lift assist of any patient due to the patient’s weight, AMR shall pay a fee of \$200.00 per patient receiving the lift assist. For purposes of this subsection, non-emergency means any request that was not initiated by a 911 call.

Section 6. Other AMR responsibilities.

(a) Upon written request from the Fire Chief, the Chief of EMS, or their designees, AMR shall provide certain data elements. These data elements may include Contract Zone, ALS/BLS Response, Response times, unit and triage. AMR shall respond to such requests within thirty (30) business days.

(b) AMR and the Fire Chief, the Chief of EMS and/or their designees shall meet no less than monthly for call review and quality assurance/improvement of selected calls to include, but not be limited to, severe trauma, cardiac arrest, or similar types of calls occurring in the City of Topeka limits. The intent is to look at the entirety of the call for improvements to address training, equipment needs and general system improvements.

(c) AMR agrees to provide notification through the County Protocol Committee to the Fire Chief and Chief of EMS concerning anticipated or desired changes to protocol, equipment, or medications that are not a result of National Supply Shortage or

76 emergency. Further AMR agrees that all proposed protocol changes that are not a result
77 of a National Supply Shortage or emergency will be submitted for review to the County
78 Protocol Committee prior to submission to the Medical Director. After submission to the
79 Medical Director, the Fire Chief , Chief of EMS and/or their County Protocol Committee
80 member shall be given the opportunity to attend meetings to discuss proposed protocol
81 changes in the event the Medical Director changes the proposed protocols submitted to
82 him/her. Notice of such meeting shall be provided as soon as reasonable based on the
83 schedule of the Medical Director.

84 (e) In January of each calendar year, AMR shall provide copies of all written
85 mutual aid agreements for ambulance service in the City of Topeka or provide written
86 notice that no such agreements exist.

87 (f) AMR agrees to the use of designated dispatch radio channels for EMS
88 operations within the City of Topeka. Further AMR agrees that AMR units and dispatch
89 are responsible for monitoring the designated channel while on scene.

90 **Section 7. Insurance.**

91 Upon the effective date of this Franchise Ordinance, AMR shall file with the City
92 Clerk an insurance policy as required by TMC 5.25.140 and the same shall be approved
93 as to form by the City Attorney's office. During the term of this Franchise Ordinance, AMR
94 shall maintain paid insurance coverage according to TMC 5.25.140.

95 **Section 8. Acceptance by AMR.**

96 Operation of an ambulance service within the City by AMR on or after the effective
97 date of this Franchise Ordinance constitutes acceptance of the provisions of the
98 Franchise Ordinance.

99 **Section 9. Remedies of City.**

100 Nothing herein shall limit or preclude the City from seeking remedies at law or
101 equity in a court of competent jurisdiction for any violation by AMR of the laws of the State
102 of Kansas or any ordinance of the City.

103 **Section 10. Forfeiture.**

104 Any material and substantial fraud, misrepresentation or default of the terms,
105 duties and obligations imposed upon AMR by the laws of the State of Kansas, Chapter
106 5.25 TMC or by this Franchise Ordinance shall constitute grounds for forfeiture of this
107 nonexclusive Franchise Ordinance. The City shall notify AMR in writing of any allegation
108 of a material and substantial fraud, misrepresentation or default and shall hold a public
109 hearing before the Governing Body of the City of Topeka on the merits of such allegations.
110 Said public hearing shall be held within thirty (30) days after the notification to AMR and
111 shall be adjudicative in character but shall not bar the rights of any parties to pursue
112 judicial review. Within ten (10) days following the conclusion of such hearing, the
113 Governing Body of the City of Topeka shall act with respect to such forfeiture and shall
114 submit a written statement to AMR. This Franchise Ordinance shall not be forfeited unless
115 the Governing Body of the City of Topeka finds that there has been a material and
116 substantial fraud, misrepresentation or default on the part of AMR so as to justify a
117 forfeiture. In such case a notice of forfeiture shall be provided to AMR. In the event this
118 Franchise Ordinance is forfeited, AMR shall, within one hundred eighty (180) days of its
119 receipt of notice of forfeiture, cease operation of an ambulance service hereunder.

120 **Section 11. Surrender.**

121 If, during the term of this Franchise Ordinance, AMR does not earn a fair rate of

return upon the value of property used and useful in providing such ambulance service for a period of six (6) months; and it is determined by AMR that it would not be practical, possible or in the public interest to cure the deficiency by an increase in rates and/or a reduction in service; and AMR has complied with all applicable procedures as prescribed by the Board of County Commissioners of Shawnee County, Kansas including the giving of notice of surrender to the City; then AMR upon one hundred eighty (180) days written notice to the City Clerk may elect to surrender this Franchise Ordinance and cease operation of the ambulance service hereunder. Fair rate of return means receipt of revenues for patient charges and public funds, if any, to include the sum of operating costs, depreciation reserves, growth and development costs and management fees.

Section 12. Transfer.

Only upon written approval of the Governing Body of the City of Topeka may the rights and obligations of AMR, pursuant to this Franchise Ordinance, be transferred to a person meeting the requirements for an ambulance service, as determined by the laws and regulations of the State and the City at the time of the contemplated transfer. Any approved transferee shall, without limitation, assume all the duties and obligations of AMR and AMR shall be released of all future rights, duties, and obligations arising from this Franchise Ordinance.

Section 13. Hold harmless.

AMR shall hold the City harmless for all liability, damages, costs and expenses of every kind for the payment of which the City may become liable to any person by reason of the rights and privileges herein granted and, if any action either at law or in equity, be brought against the City for damages or for any cost to the City for any fault of AMR, its

servants, agents, or employees, in the operation of its ambulance service, AMR shall pay all costs, damages and expenses including costs of defense for which the City may be held liable.

Section 14. Effective date.

This Franchise Ordinance shall take effect and be in force from January 1, 2021, and after its passage, approval and publication in the official City newspaper in the manner prescribed by law, and shall be binding upon AMR upon the conditions set forth herein.

PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 15, 2020

DATE:	December 15, 2020	
CONTACT PERSON:	Deputy Mayor Tony Emerson	DOCUMENT #:
SECOND PARTY/SUBJECT:	2021 Governing Body Meeting Schedule	PROJECT #:
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by Deputy Mayor Tony Emerson, cancelling certain Governing Body meetings for calendar year 2021.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would provide notice that meetings would not be held on August 2, 2021, Primary Election Day and November 2, 2021, General Election Day)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Topeka Municipal Code (TMC) Section 2.15.020(c)(1) authorizes Governing Body meetings to be cancelled, provided that the number of Council meetings in a month is not less than two as required by TMC Appendix A, Section A2-26.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

Traditionally, Governing Body meetings are cancelled in observance of established City holidays, Primary Election Day and General Election Day. The resolution provides notice of those cancellation dates.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

Resolution

TMC Sec A2-26 Meetings - Deputy Mayor

TMC 2.15.020(C)(1) Time of Governing Body Meetings

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Deputy Mayor Tony Emerson cancelling certain
4 Governing Body meetings for calendar year 2021.

5
6 WHEREAS, TMC 2.15.020(c)(1) authorizes Governing Body meetings to be
7 cancelled by a majority vote of the Governing Body; and

8 WHEREAS, the Deputy Mayor recommends cancellation of certain meetings for the
9 2021 calendar year.

10 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
11 CITY OF TOPEKA, KANSAS that the following Governing Body meetings are cancelled for
12 the calendar year 2021: August 3 (Primary Election Day), and November 2 (General
13 Election Day).

14 ADOPTED and APPROVED by Governing Body on _____.

15 CITY OF TOPEKA, KANSAS

16
17
18
19
20 _____
Michelle De La Isla, Mayor

21 ATTEST:

22
23
24
25 _____
26 Brenda Younger, City Clerk

TOPEKA MUNICIPAL CODE

Appendix A Article II ADMINISTRATION (HOME RULE CHARTER)

Sec. A2-26. Meetings – Deputy Mayor.

(a) The governing body shall establish, by ordinance, a meeting schedule for each calendar year, with a minimum of two meetings each month.

(b) The governing body shall elect a Councilmember to serve as deputy mayor in the absence or temporary disability of the mayor. The deputy mayor elected in April of 2016 shall serve until a successor is elected at the first governing body meeting in January of 2017 to serve a term that expires on January 8, 2018. Thereafter, a deputy mayor shall be elected at the third meeting in January for a one year term. (C.O. 117 § 5, 2-9-16.)

Chapter 2.15

CITY COUNCIL – MAYOR

2.15.020 Time of governing body meetings – To be open to the public.

(a) The governing body shall meet in the council chambers/municipal court complex on the second floor of the municipal building, the first three Tuesdays of each month at 6:00 p.m. except that the governing body shall meet on the second Monday, rather than the second Tuesday, in the month of January following the general municipal election.

(b) Notwithstanding subsection (a) of this section, when the date of a meeting falls on a legal holiday or any city primary or general election, the meeting may be rescheduled to another day fixed in advance by the governing body.

(c) Notwithstanding subsection (a) of this section, a meeting may be canceled under any of the following circumstances; provided, that the number of meetings in a month is not less than that required by Appendix A, Section A2-26:

(1) By a majority vote of the governing body;

(2) When the mayor, with the concurrence of the deputy mayor, determines that special circumstances exist, including but not limited to the scheduling of a special event or a lack of agenda items; or

(3) By the city manager in the event of inclement weather. (Ord. 20009 § 1, 6-21-16.)



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 15, 2020

DATE: December 15, 2020
CONTACT PERSON: Councilmember Naeger **DOCUMENT #:**
SECOND PARTY/SUBJECT: Topeka Human **PROJECT #:**
Relations Commission
Non-Discrimination
Ordinance
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL: Referred to Topeka **JOURNAL #:**
HRC 12-17-19.
Discussion 02-01-20.
Discussion 12-01-20.
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by Councilmember Hannah Naeger, concerning nondiscrimination ordinances, amending City of Topeka Code Section Sections 9.20.020 and 9.20.040, repealing original sections, as well as creating Sections 9.20.010, 9.20.030 and 9.20.050.

Voting Requirement: At least five (5) votes of the Governing Body is required. The Mayor does not vote.

(Approval would clarify City policy related to retaliation in employment, housing and public accommodations through the addition of gender identity, genetic information, sexual orientation and veteran status to the list of protected classifications. The proposed ordinance also provides enhanced punishment for crimes relates to bias and references the Byrd Act, which addresses these types of crimes at a federal level.)

VOTING REQUIREMENTS:

Approval of the ordinance will require at least five (5) votes of the Council. The Mayor has veto authority (since this is a home rule ordinance) and does not vote.

POLICY ISSUE:

Whether to adopt revisions to TMC Chapter 9.20, as requested by the Topeka Human Relations Commission.

STAFF RECOMMENDATION:

This is a policy determination of the Governing Body and not the result of a staff recommendation. The

Governing Body has authority to establish such a policy.

BACKGROUND:

The Topeka Human Relations Commission (THRC) discussed potential updates to Title 9 with the Governing Body during the Fall of 2019. These updates related primarily to: (i) adding gender identity and sexual orientation to the list of protected classifications; and (ii) providing the THRC with the ability to receive, investigate, seek to conciliate, hold hearings or pass upon complaints alleging violations. The proposal was referred to the Policy and Finance Committee for additional discussion, which occurred on November 15, 2019. On December 17, 2019 the Policy and Finance Committee presented their recommendation to refer the matter back to the THRC for further research, review and evaluation to the Governing Body. The Committee referral was approved by the Governing Body 9-0-0.

The recent United States Supreme Court decision in *Bostock v. Clayton County, Georgia*, 140 S.Ct. 1731 (2020), held that the broader category of "sex" set out in Title VII includes discrimination based on LGBTQ and all derivatives of "sex." As such, the Kansas Human Relations Commission (KHRC) and the Equal Employment Opportunity Commission (EEOC) are accepting and investigating complaints related to discrimination based on "gender identity" and "sexual orientation" and individuals who wish to file a complaint may do so through the KHRC; the EEOC; or through administrative processes provided by other state and federal laws.

This proposed non-discrimination ordinance (NDO) was considered by the Topeka Human Relations Commission (THRC) during it's November 2, 2020 meeting. The THRC voted to forward the proposed ordinance to the Governing Body for its consideration with a recommendation to approve. The proposed ordinance clarifies the City policy related to retaliation in employment, housing and public accommodations through the addition of gender identity, genetic information, sexual orientation and veteran status to the list of protected classifications. The proposed ordinance also provides enhanced punishment for crimes relates to bias and references the Byrd Act, which addresses these types of crimes at a federal level.

BUDGETARY IMPACT:

Because complaints related to gender identity, genetic information,sexual orientation and veteran status will be investigated at the state and federal level (by the KHRC and the EEOC), there will be no budgetary impact.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

REVISED - Proposed Ordinance - Dec 7, 2020 (Title 2 Language Removed)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Hannah Naeger, concerning nondiscrimination ordinances, amending City of Topeka Code § 9.20.020 and § 9.20.040, repealing original sections, as well as creating § 9.20.010, § 9.20.030 and § 9.20.050.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 9.20.010, which said section reads as follows:

Definitions.

The definitions contained in the Kansas Acts Against Discrimination, K.S.A. 44-1001 to 44-1044; the Kansas Age Discrimination in Employment Act, K.S.A. 44-1111 to 44-1121; and the Discrimination Against Military Personnel Act, K.S.A. 44-1125 to 44-1128, all as may be amended from time to time, shall apply to this Chapter unless specifically defined herein.

Section 2. That section 9.20.020, Policy, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Policy.

The practice or policy of discrimination against persons by reason of ~~race, religion, creed, color, sex, disability, national origin or ancestry or age~~their age, color, disability, familial status, gender identity, genetic information, national origin or ancestry, ~~race, religion, sex, sexual orientation, veteran status or any other factor protected by law~~ law ("protected class") is a matter of concern to the City, since such discrimination not only threatens the rights and privileges of the inhabitants of the City but also menaces the institutions and foundations of a free democratic state. It is hereby declared to be

the policy of the City, in exercise of its police power for the protection of the public safety, health and general welfare, for the maintenance of business and good government, and for the promotion of the City's trade and commerce, to eliminate and prevent discrimination or segregation ~~because of race, religion, creed, color, sex, disability, national origin or ancestry or~~ based on a protected class. It is further declared to be the policy of the City to assure equal opportunity and encouragement for every person, regardless of ~~race, religion, creed, color, sex, disability, national origin or ancestry or age~~ their membership in a protected class, to secure and hold, without discrimination, employment in any field of work or labor for which the person is otherwise properly qualified; to assure equal opportunity for all persons within this City to full and equal public accommodations and the full and equal use and enjoyment of the services, facilities, privileges and advantages of all governmental departments or agencies; and to assure equal opportunity for all persons within this City in housing, ~~without distinction on account of race, religion, creed, color, sex, disability, national origin or ancestry.~~

Section 3. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 9.20.030, which said section reads as follows:

Civil Rights Declared.

(a) The right of an otherwise qualified person to be free from discrimination because of that person's actual or perceived age, color, disability, familial status, gender identity, genetic information, national origin or ancestry, race, religion, sex, sexual orientation or veteran status is recognized as, and declared to be, a civil right. This right shall include, but not be limited to, all of the following:

(1) The right to obtain and hold employment and the benefits associated therewith without discrimination.

(2) The right to the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public accommodation without discrimination.

(3) The right to engage in property transactions, including obtaining housing for rental or sale and credit therefor, without discrimination.

(4) The right to exercise any right granted under this ordinance without suffering coercion or retaliation.

(b) Because federal and state law consistently address unlawful discriminatory and retaliatory practices related to the above-described civil rights, a separate enforcement procedure is not created.

Section 4 That section 9.20.040, Intimidation or bias crimes, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Intimidation or bias crimes.

(a) Any person who violates or attempts to violate any of the following ordinances of the code of the City of Topeka, Kansas, and any amendments thereto, by reason of any motive or intent relating to, or any antipathy, animosity or hostility based upon another individual's or group of individuals' membership in a protected class as defined in TMC 9.20.020 shall be guilty of a misdemeanor:

(1) Uniform Public Offense Code (hereinafter "UPOC") 3.1, Battery;

(2) UPOC 3.2.1, Sexual Battery;

(23) UPOC 3.3, Assault;

(3) ~~UPOC 9.1, Disorderly conduct;~~

(4) UPOC 3.6, Unlawful Restraint;

(45) ~~UPOC 6.6, Criminal dDamage to pProperty;~~

(56) ~~UPOC 6.7, Criminal tTrespass;~~

(7) UPOC 9.1, Disorderly Conduct;

(68) ~~UPOC 9.10, Telephone hHarassment by Telecommunications Device;~~

(79) ~~TMC 9.40.010~~UPOC 10.5, Discharge of fFirearms;

(8) ~~UPOC 10.2, Drawing a weapon upon another.~~

(b) Any person who, knowingly assembles with one or more persons and agrees with such person or persons to violate any of the criminal laws of the State of Kansas or of the United States with force or violence by reason of any motive or intent relating to, or any antipathy, animosity or hostility based upon, the race, color, sex, religion, national origin, age, sexual orientation, ancestry, or disability of another individual or group of individuals, knowingly assembles with two or more persons and agrees with such person or persons to violate any of the criminal laws of the State of Kansas or of the United States with force or violence another individual's or group of individuals' membership in a protected class as defined in TMC 9.20.020 shall be guilty of a misdemeanor.

(c) Penalty.

(1) Upon a first conviction of a violation of the provisions of this section a person shall be deemed guilty of a Class B misdemeanor and shall be punished by a fine ~~of not less than \$250.00 nor more than \$2,500~~in an amount not to

98 exceed \$1,000.00, or by imprisonment for not more than one year a sentence not
99 to exceed six months, or by both such fine and imprisonment.

100 (2) On a second or subsequent conviction of a violation of the provisions
101 of this section a person shall be deemed guilty of a Class A misdemeanor and
102 shall be ~~sentenced to~~ punished by a fine in an amount not to exceed \$2,500.00,
103 or by imprisonment of not less than five days, nor more than a sentence not to
104 exceed one year and a fine of not less than \$500.00 nor more than \$2,500.00, or
105 by both such fine and imprisonment.

106 Section 5. That The Code of the City of Topeka, Kansas, is hereby amended
107 by adding a section to be numbered 9.20.050, which said section reads as follows:

108 **Severability.**

109 If any clause sentence, paragraph or part of this Chapter or the application
110 thereof to any person or circumstances shall for any reason be adjudged by a court of
111 competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate
112 the remainder of this Chapter and the application thereof to other persons or
113 circumstances, but shall be confined in its operation to the clause, sentence, paragraph
114 or part thereof directly involved in the controversy in which such judgment shall have
115 been rendered and the persons or circumstances involved. It is hereby declared to be
116 the legislative intent that this Chapter would have been adopted had such provisions not
117 been included.

118 Section 6. That original § 9.20.020 and § 9.20.040 of The Code of the City of
119 Topeka, Kansas, are hereby specifically repealed.

120 Section 7. This ordinance shall take effect and be in force from and after its

passage, approval and publication in the official City newspaper.

Section 8. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 9. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 15, 2020

DATE:	December 15, 2020	
CONTACT PERSON:	Richard Faulkner	DOCUMENT #:
SECOND PARTY/SUBJECT:	2015 IEBC	PROJECT #:
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 026 Buildings and Building Regulations	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION concerning adoption of the 2015 International Existing Building Code

(Approval will adopt the 2015 International Existing Building Code (IEBC)).

VOTING REQUIREMENTS:

Discussion only. No action required by the Governing Body

POLICY ISSUE:

Whether to repeal the 1997 Uniform Code for Building Conservation (UCBC) and adopt the 2015 International Existing Building Code (IEBC).

STAFF RECOMMENDATION:

Discussion only. Staff recommends the Governing Body move to adopt the proposed ordinance when considered on January 5, 2021.

BACKGROUND:

Approval of the proposed ordinance will repeal the 1997 Uniform Code for Building Conservation (UCBC) and replace it with the 2015 International Existing Building Code (IEBC).

The IEBC is preferable to the 1997 UCBC when re-purposing existing commercial buildings. Remodels are the primary type of building permit in Topeka and also pose the biggest challenges since many buildings pre-date our building codes.

The review and adoption process began in 2018. It included the Board of Building and Fire Appeals, the Fire Marshal, Building Official and Permit Section Manager who acted as liaisons to the board. The board is made up of Engineers, Architects, and General Contractors. Also as part of the review process we reached out to

design professionals and contractors for input. The Board of Building and Fire Appeals and City staff recommend approval of the 2015 IEBC along with amendments outlined in the attached "Summary of Code Changes."

BUDGETARY IMPACT:

For the purpose of review and recommendations, staff purchased seven 2015 IEBC books in the amount of \$700. Adoption will require one additional copy of the code to be purchased for the public to be placed in the City Clerk's Office in the amount of \$100.

SOURCE OF FUNDING:

Development Services Division Budget (General Fund)

ATTACHMENTS:

Description

Presentation

Amendments

Ordinance

2015 INTERNATIONAL EXISTING BUILDING CODE



International Code Council

CODES ADOPTED BY THE CITY

- RESIDENTIAL
 - 2009 INTERNATIONAL RESIDENTIAL CODE (CH 1-10, APP F)
- COMMERCIAL
 - 2015 INTERNATIONAL BUILDING CODE
 - 2015 INTERNATIONAL FIRE CODE
 - 2015 LIFE SAFETY CODE
 - 1997 UNIFORM CODE FOR BUILDING CONSERVATION *PROPOSED TO BE REPLACED BY 2015 INTERNATIONAL EXISTING BUILDING CODE (IEBC)*
- RESIDENTIAL / COMMERCIAL
 - 2017 NATIONAL ELECTRICAL CODE
 - 2012 UNIFORM PLUMBING CODE
 - 2009 INTERNATIONAL ENERGY CONSERVATION CODE *UPDATE IN PROGRESS FOR COMMERCIAL (2015 IECC)*
 - 2015 UNIFORM MECHANICAL CODE

Overview

THE CITY UNDERSTANDS THE VALUE AND IMPORTANCE OF USING THE EXISTING BUILDINGS IN OUR COMMUNITY

- To address the code challenges developers face when repurposing existing buildings we have been using the 1997 Uniform Code for Building Conservation (UCBC)
- When we were going through the process of adopting the 2015 International Building Code we were directed to look at updating 1997 UCBC
- We also use the 2015 Life Safety Code when existing building are redeveloped

2015 INTERNATIONAL EXISTING BUILDING CODE

- Published by the International Code Council (ICC)
- The code is intended to encourage the use and reuse of existing buildings by
 - protecting public health and safety
 - not to increase construction cost
 - accept new construction materials and new construction methods

Review Process

- The Board of Building and Fire Appeals (appointed by the council) led the review process. The members of the board are as follows:
 - *Steve Mohan, General Contractor*
 - *Tom Woltkamp, General Contractor*
 - *Keith Finney, Professional Engineer*
 - *Mike Wilson, Architect*
 - *Nelda Henning, Architect*
 - *Angela C Sharp, Professional Engineer*

Members of City staff served as liaisons to the board, Building Official, Fire Marshal, Plan Review Supervisor, and City Attorney.

The adoption process started in June of 2018.

Neighboring Cities

	2006	2009	2012	2015	2018
Manhattan					X
Lawrence					X
Junction City			X		
Overland Park*					
Shawnee*					
Leavenworth					X
Olathe					X

*Overland Park and Shawnee do not use the Existing Building Code.

2015 International Existing Building Code

Recommendations

- THE BOARD OF BUILDING AND FIRE APPEALS IS RECOMMENDING THE ADOPTION OF THE 2015 INTERNATIONAL EXISTING BUILDING CODE WITH AMENDMENTS.
- Notable Amendments
 - The board recommends to not adopt requirement for seismic reinforcement in the IEBC. If buildings are attached, having one reinforced and one without is not effective.
 - The board recommends to not adopt floodplain regulations in the IEBC. The City already has floodplain regulations that we are following so that we may participate in FEMA Flood Insurance Program.
- STAFF SUPPORTS THE RECOMMENDATION

Proposed General Local Amendments to the 2015 IEBC

- Appendices B and C are specifically not adopted
- Department of Building Safety, is hereby deleted in its entirety. Any reference to “Department of Building Safety” will mean the development services division.
- Reference to the codes, terms definitions, materials in the IEBC that are not consistent with provisions of our currently adopted codes will be deleted and replaced with reference to our currently adopted codes.
- Appeals process will be in accordance with TMC ordinances and the ordinance for adoption of the 2015 IEBC with local amendments.
- Reference to the sections in Chapter 11 of the 2015 International Fire Code will be deleted and replaced with applicable sections of the IEBC and by following the applicable provisions of the adopted Life Safety Code.
- Determinations related to structures in flood hazard areas and floodplain management requirements will be in accordance with the provisions of the TMC.
- Accessibility for existing buildings, is hereby deleted in its entirety. Applicable city ordinances, state and federal statutes and implementing regulations concerning accessibility shall apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.
- Reroofing section in IEBC will be deleted with reference to provisions the TMC.
- Energy conservation requirements of the IEBC will be deleted with reference to provisions of the TMC.
- Design of existing structural element resisting lateral loads may be designed in accordance with IEBC sections in Chapter 4 in lieu of sections within Chapter 8. This same amended provision may be utilized for specific reference to structural design of lateral loads in type I and II structures undergoing limited structural alterations.
- An exception for use of seismic design provisions within Chapter 4 of the IEBC in lieu of seismic provisions in IBC will be added.
- Structural analysis as defined by the IEBC will be deleted. Owners shall have a structural analysis of the existing building made to determine adequacy of structural systems for the proposed alteration, addition or change of occupancy. The analysis shall demonstrate that the building with the work completed meets the structural provisions of IEBC Chapters 5 through 13.
- Special occupancies including changes in use to special occupancies as defined in the IEBC will be deleted. Requirements for compliance shall be in accordance with provision of the TMC and NFPA standards shall be substituted therefor:
- Where the occupancy of an existing building or part of an existing building is changed to one of the following special occupancies as described in NFPA 70 or any of the codes adopted in TMC Title 14,
- Provisions related to accessibility for historic structures that undergo alterations or change of occupancy as defined by the IEBC will be deleted. Compliance with accessibility standards for historic structures

shall be in accordance with comply with city ordinances, state and federal statutes and implementing regulations for accessibility.

Continued use of the 2015 Life Safety Code (LSC)

With the adoption of the 2015 IEBC with local amendments, the TMC existing ordinance related to the 2015 Life Safety Code (LSC) as applicable to existing occupancies will not change. The LSC will continue as a resource for review and interpretation when considering use of equivalencies and alternative design provisions for compliance with the intent of our codes.

TMC Chapter 14.45 Life Safety Code TMC Section 14.45.010:

Facilities which are in service prior to the adoption of the 2015 Edition of the Life Safety Code and not in strict conformity therewith may continue in service, provided such facilities are not determined by the Fire Chief to constitute a distinct hazard to life or property.

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by City Manager Brent Trout, concerning the adoption of
6 the 2015 International Existing Building Code by creating Chapter
7 14.85 TMC, amending § 2.235.010 and repealing Chapter 14.25
8 TMC.
9

10 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

11 Section 1. That section 14.25.010, Adopted, of The Code of the City of
12 Topeka, Kansas, is hereby repealed.

13 **~~Adopted.~~**

14 ~~(a) The Uniform Code for Building Conservation, 1997 Edition, published by~~
15 ~~the International Conference of Building Officials, 5360 South Workman Mill Road,~~
16 ~~Whittier, California, is hereby adopted by the City for existing buildings and historic~~
17 ~~structures and is hereby incorporated herein as if fully set out.~~

18 ~~(b) At least one copy of the Uniform Code for Building Conservation as~~
19 ~~adopted in this chapter shall be on file with the City Clerk to be available for inspection~~
20 ~~by the public during business hours.~~

21 Section 2. That section 14.25.020, Table 5-E, hazard categories and
22 classifications earthquake safety, of The Code of the City of Topeka, Kansas, is hereby
23 repealed.

24 **~~Table 5-E, hazard categories and classifications earthquake safety.~~**

25 ~~Table 5-E, hazard categories and classifications earthquake safety, of Chapter 5,~~
26 ~~Uniform Code for Building Conservation, 1997 Edition, is hereby specifically repealed.~~

27 Section 3. That section 2.235.010, Board of Building and Fire appeals, of The
28 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

29 **Board of building and fire appeals.**

30 (a) There is hereby created a board of building and fire appeals consisting of
31 seven members appointed pursuant to TMC 2.205.010. The members of the board shall
32 be currently licensed or engaged in or have substantial past experience in the following
33 fields or professions: licensed professional engineer, licensed architect, licensed
34 commercial contractor, or other experienced professional working in a field related to
35 building construction. The board shall always consist of at least two engineers, two
36 architects, and one contractor. Members shall serve a two-year term. Members shall not
37 serve beyond the end of their appointed terms. Upon expiration of a term the position
38 shall remain vacant until a successor is appointed. The city attorney, city fire chief and
39 development services director or their designees shall serve as nonvoting ex officio
40 members of the board. The development services director or ~~his or her~~ designee shall
41 serve also as secretary of the board. Copies of current adopted codes will be made
42 available to board members.

43 (b) The board of building and fire appeals shall adopt reasonable rules and
44 regulations for conducting its investigations and shall render all decisions and findings in
45 writing to the development services director and the fire chief with a duplicate copy to
46 the appellant.

47 (c) The board of building and fire appeals shall consider appeals from
48 decisions of the director of development services, the fire chief or their designees with
49 regard to the following:

50 (1) The suitability of alternate materials, methods and type of
51 construction.

52 (2) Interpretations of the provisions of the commercial and residential
53 building codes, building conservation code, existing building code, fire code,
54 energy conservation code, and life safety code.

55 (3) Granting variances from the codes identified in subsection (c)(2) of
56 this section. A variance may be granted only upon a determination that such
57 variance will not endanger life, property or public safety. Where a variance is
58 sought with respect to a historic structure that is listed on the National Register of
59 Historic Places, the Register of Historic Kansas Places, or is designated a city
60 historic landmark, the board shall specifically consider the structure's historic
61 recognition in reaching its decision, exerting an affirmative effort to preserve the
62 structure's historic integrity in effecting any necessary changes. Pursuant to this
63 goal, the board shall consult with the planning department director or designee.

64 (d) Decisions by the board may be appealed ~~by the applicant to the governing~~
65 ~~body by submitting to the city clerk within 10 days of the date of notification a request for~~
66 ~~a hearing before the governing body. The governing body may affirm, modify or reject~~
67 ~~the board's decision~~ to the district court pursuant to K.S.A. 60-2101.

68 (e) The board of building and fire appeals may request other boards and
69 commissions of the city, including the electrical, mechanical or plumbing boards, to
70 provide technical assistance and recommendations. In addition, the board of building
71 and fire appeals may require substantiating data or tests to determine the suitability and
72 feasibility of allowing the variance requested by the applicant.

73 (f) A filing fee of \$100.00 shall be paid in advance by any party appealing to
74 the board.

75 Section 4. That The Code of the City of Topeka, Kansas, is hereby amended
76 by adding a section, to be numbered 14.85.010, which said section reads as follows:

77 **International Existing Building Code (IEBC) – Adopted.**

78 (a) Except as provided in subsection (b), the International Existing Building
79 Code (IEBC), 2015 Edition, as published by the International Code Council and
80 amended by this chapter, is hereby adopted as the code for the purpose of regulating
81 the repair, alteration, change of occupancy, addition to and relocation of existing
82 buildings.

83 (b) Appendices B and C are specifically not adopted herein.

84 Section 5. That The Code of the City of Topeka, Kansas, is hereby amended
85 by adding a section, to be numbered 14.85.020, which said section reads as follows:

86 **IEBC – Copies on file in clerk’s office.**

87 At least one copy of the IEBC, as amended, shall be on file with the city clerk to
88 be available for inspection by the public at all reasonable business hours.

89 Section 6. That The Code of the City of Topeka, Kansas, is hereby amended
90 by adding a section, to be numbered 14.85.030, which said section reads as follows:

91 **Code official designated.**

92 Whenever the term “code official” is used in the IEBC, it shall be construed to
93 mean the development services division director or designee.

94 Section 7. That The Code of the City of Topeka, Kansas, is hereby amended
95 by adding a section, to be numbered 14.85.040 which said section reads as follows:

96 **Generally.**

97 The amendments to the IEBC adopted herein shall be set out in this chapter. All
98 references to section and chapter numbers shall be construed as if followed by the
99 words “of the International Existing Building Code,” unless clearly indicated otherwise.

100 Section 8. That The Code of the City of Topeka, Kansas, is hereby amended
101 by adding a section, to be numbered 14.85.050, which said section reads as follows:

102 **General references to adopted codes.**

103 (a) Any reference to the following codes in the IEBC will be deleted and
104 replaced with the following codes:

- 105 • International Property Maintenance Code is replaced with the property
106 maintenance code, adopted in TMC Chapter 8.60.
- 107 • International Building Code is replaced with the building code, adopted in TMC
108 Chapter 14.20
- 109 • Electrical Code is replaced with the electrical code, adopted in TMC Chapter
110 14.30.
- 111 • International Plumbing Code is replaced with the plumbing code, adopted in
112 TMC Chapter 14.35.
- 113 • International Fire Code is replaced with the fire code, adopted in TMC Chapter
114 14.40.
- 115 • International Mechanical Code is replaced with the mechanical code, adopted
116 in TMC Chapter 14.50.
- 117 • International Residential Code is replaced with the residential code, adopted in
118 TMC Chapter 14.55.

- International Energy Conservation Code is replaced with the energy conservation code, adopted in TMC Chapter 14.80.

(b) Any reference to the sections in Chapter 11 of the 2015 International Fire Code will be deleted and replaced with applicable sections of the IEBC unless the building code official, in consultation with the fire code official, determines that the public's health and safety is better served by following the applicable provisions of the Life Safety Code adopted at TMC 14.45.010.

Section 9. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.060, which said section reads as follows:

Section 103, Department of Building Safety.

Section 103, Department of Building Safety, is hereby deleted in its entirety. Any reference to "Department of Building Safety" will mean the development services division.

Section 10. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.070, which said section reads as follows:

104.2.1, Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.

Section 104.2.1, Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas, is hereby deleted in its entirety and the following provision shall be substituted therefor:

For applications for reconstruction, rehabilitation, repair, alteration, additions or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine whether the proposed work

142 constitutes substantial improvement or repair of substantial damage. Where the
143 building official determines that the proposed work constitutes substantial
144 improvement or repair of substantial damage, the building official shall require
145 the building to meet the requirements provided in the TMC Chapters 14.20
146 (building code) and 17.30 (floodplain management).

147 Section 11. That The Code of the City of Topeka, Kansas, is hereby amended
148 by adding a section, to be numbered 14.85.080, which said section reads as follows:

149 **104.10.1, Flood hazard areas.**

150 Section 104.10.1, Flood hazard areas, is hereby deleted in its entirety and the
151 following provision shall be substituted therefor:

152 For existing buildings located in flood hazard areas for which repairs,
153 alterations and additions constitute substantial improvement, the code official
154 shall not grant modifications to provisions related to flood resistance, except as
155 provided in TMC Chapters 14.20 (building code) and 17.30 (floodplain
156 management).

157 Section 12. That The Code of the City of Topeka, Kansas, is hereby amended
158 by adding a section, to be numbered 14.85.090, which said section reads as follows:

159 **Section 105, Permits.**

160 Section 105, Permits, is hereby deleted in its entirety and the following provision
161 shall be substituted therefor:

162 Any owner or owner's authorized agent who intends to repair, add to,
163 alter, relocate, demolish, or change the occupancy of a building or to repair,
164 install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or

165 plumbing system, the installation of which is regulated by this chapter, or to
166 cause any such work to be performed, shall first apply to the code official and
167 obtain a permit, if required by TMC Title 14.

168 Section 13. That The Code of the City of Topeka, Kansas, is hereby amended
169 by adding a section, to be numbered 14.85.100, which said section reads as follows:

170 **109.3.3, Lowest floor elevation.**

171 Section 109.3.3, Lowest floor elevation, is hereby deleted in its entirety and the
172 following provision shall be substituted therefor:

173 For additions and substantial improvements to existing buildings in flood
174 hazard areas, upon placement of the lowest floor, including basement, and prior
175 to further vertical construction, any elevation documentation required in Chapter
176 14.20 TMC or Chapter 17.30 TMC shall be submitted to the code official.

177 Section 14. That The Code of the City of Topeka, Kansas, is hereby amended
178 by adding a section, to be numbered 14.85.110, which said section reads as follows:

179 **112, Board of Appeals.**

180 Section 112, Board of Appeals, is hereby deleted in its entirety and the following
181 provision shall be substituted therefor:

182 Appeals of orders, decisions or determinations made by the code official
183 relative to the application and interpretation of this code shall be considered by
184 the Board of Building and Fire Appeals pursuant to TMC Chapter 2.235.

185 Section 15. That The Code of the City of Topeka, Kansas, is hereby amended
186 by adding a section, to be numbered 14.85.120, which said section reads as follows:

187 **113.4, Violation penalties.**

188 Section 113.4, Violation penalties, is hereby deleted in its entirety and the
189 following provision shall be substituted therefor:

190 Violation of any provision of TMC 14.85.010 shall constitute a
191 misdemeanor. Any person who violates any provision of TMC 14.85.010 or fails
192 to comply with any of its requirements shall, upon conviction thereof, be fined not
193 to exceed \$499.00. Each day such violation continues shall be considered a
194 separate offense.

195 Section 16. That The Code of the City of Topeka, Kansas, is hereby amended
196 by adding a section, to be numbered 14.85.130, which said section reads as follows:

197 **201.3, Terms defined in other codes.**

198 Section 201.3, Terms defined in other codes, is hereby deleted in its entirety and
199 the following provision shall be substituted therefor:

200 Where terms are not defined in this code and are defined in other codes,
201 such terms shall have the meanings ascribed to them in those codes. Any
202 references to the “International Property Maintenance Code” shall mean TMC
203 Chapter 8.60. Any references to “International Building Code” shall mean TMC
204 Chapter 14.20. Any references to electrical codes shall mean TMC Chapter
205 14.30. Any references to the “International Plumbing Code” shall mean TMC
206 Chapter 14.35. Any references to the “International Fire Code” shall mean TMC
207 Chapter 14.40. Any references to the “International Mechanical Code” shall
208 mean TMC Chapter 14.50. Any references to the “International Residential
209 Code” shall mean TMC Chapter 14.55. Any references to the “International
210 Energy Conservation Code” shall mean TMC Chapter 14.80.

211 Section 17. That The Code of the City of Topeka, Kansas, is hereby amended
212 by adding a section, to be numbered 14.85.140, which said section reads as follows:

213 **302.2, Additional codes.**

214 Section 302.2, Additional codes, is hereby deleted in its entirety and the following
215 provision shall be substituted therefor:

216 Alterations, repairs, additions and changes of occupancy to, or relocation
217 of, existing buildings and structures shall comply with the provisions for
218 alterations, repairs, additions, and changes of occupancy or relocation,
219 respectively, in this code and the following codes: NFPA 70, TMC Chapter 14.80
220 (energy conservation code); TMC Chapter 14.40 (fire code); TMC Chapter 14.50
221 (mechanical code); TMC Chapter 14.55 (residential code); and TMC Chapter
222 14.35 (plumbing code). Where provision of the other codes conflict with
223 provisions of this code, the provisions of this code shall take precedence.

224 Section 18. That the Code of the City of Topeka, Kansas, is hereby amended by
225 adding a section, to be numbered 14.85.150, which said section reads as follows:

226 **402.2, Flood hazard areas.**

227 Section 402.2. Flood hazard areas, is hereby deleted in its entirety and the
228 following provision shall be substituted therefor:

229 For buildings and structures in flood hazard areas established in Section
230 1612.3 of the International Building Code, or Section R322 of the International
231 Residential Code, as applicable, any addition that constitutes substantial
232 improvement of the existing structure shall comply with the requirements
233 provided in the TMC Chapters 14.20 (building code) and 17.30 (floodplain

management). Additions to buildings and structures in such flood hazard areas that do not constitute substantial improvement are not required to comply to meet the requirements provided in the TMC Chapters 14.20 (building code) and 17.30 (floodplain management).

Section 19. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.160, which said section reads as follows:

403.2, Flood hazard areas.

403.2. Flood hazard areas, is hereby deleted in its entirety and the following provision shall be substituted therefor:

For buildings and structures in flood hazard areas established in Section 1612.3 of the International Building Code, or Section R322 of the International Residential Code, as applicable, any alteration that constitutes substantial improvement of the existing structure shall comply with the requirements provided in the TMC Chapters 14.20 (building code) and 17.30 (floodplain management). Alterations to buildings and structures in such flood hazard areas that do not constitute substantial improvement are not required to comply to meet the requirements provided in the TMC Chapters 14.20 (building code) and 17.30 (floodplain management).

Section 20. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.170, which said section reads as follows:

404.5, Flood hazard areas.

Section 404.5. Flood hazard areas, is hereby deleted in its entirety and the following provision shall be substituted therefor:

For buildings and structures in flood hazard areas established in Section 1612.3 of the International Building Code, or Section R322 of the International Residential Code, as applicable, any repair that constitutes substantial improvement or repair of substantial damage of the existing structure shall comply with the requirements provided in the TMC Chapters 14.20 (building code) and 17.30 (floodplain management). Repairs to buildings and structures in such flood hazard areas that do not constitute substantial improvement or repair of substantial damage are not required to comply to meet the requirements provided in the TMC Chapters 14.20 (building code) and 17.30 (floodplain management).

Section 21. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.180, which said section reads as follows:

408.3, Flood hazard areas.

Section 408.3. Flood hazard areas, is hereby deleted in its entirety and the following provision shall be substituted therefor:

Within flood hazard areas established in accordance with Section 1612.3 of the International Building Code, or Section R322 of the International Residential Code, as applicable, where the work proposed constitutes substantial improvement, the building shall be brought into compliance with the requirements provided in the TMC Chapters 14.20 (building code) and 17.30 (floodplain management). Exception: Historic buildings need not be brought into compliance that are: (1) listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; (2) determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered

280 historic district or a district preliminarily determined to qualify as an historic
281 district; or (3) designated as historic under a state or local historic preservation
282 program that is approved by the Department of the Interior.

283 Section 22. That the Code of the City of Topeka, Kansas, is hereby amended by
284 adding a section, to be numbered 14.85.190, which said section reads, as follows:

285 **410, Accessibility For Existing Buildings.**

286 Section 410, Accessibility for Existing Buildings, is hereby deleted in its entirety
287 and the following provision shall be substituted therefor:

288 Applicable city ordinances, state and federal statutes and implementing
289 regulations concerning accessibility shall apply to maintenance, change of
290 occupancy, additions and alterations to existing buildings, including those
291 identified as historic buildings.

292 Section 23. That The Code of the City of Topeka, Kansas, is hereby amended
293 by adding a section, to be numbered 14.85.200, which said section reads as follows:

294 **601.3, Flood hazard areas.**

295 Section 601.3. Flood hazard areas, is hereby deleted in its entirety and the
296 following provision shall be substituted therefor:

297 In flood hazard areas, repairs that constitute substantial improvement shall
298 require that the building comply with the requirements provided in the TMC Chapters
299 14.20 (building code) and 17.30 (floodplain management).

300 Section 24. That The Code of the City of Topeka, Kansas, is hereby amended
301 by adding a section, to be numbered 14.85.210, which said section reads as follows:

302 **605, Accessibility (Repairs).**

Section 605.1, General, is hereby deleted in its entirety and the following provision shall be substituted therefor:

Repairs shall be done in a manner consistent with applicable city ordinances, state and federal statutes and implementing regulations for accessibility.

Section 25. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.220, which said section reads as follows:

606.2.4, Flood hazard areas.

Section 606.2.4, Flood hazard areas, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

In flood hazard areas, buildings that have sustained substantial damage shall be brought into compliance in accordance with TMC Chapters 14.20 (building code), 14.55 (residential code) and 17.30 (floodplain management).

Section 26. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.230, which said section reads as follows:

609.1, Materials (Plumbing).

Section 609.1, Materials, is hereby deleted in its entirety and the following provision shall be substituted therefor:

Plumbing materials and supplies shall not be used for repairs that are prohibited in Chapter 14.35 TMC (plumbing code).

Section 27. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.240, which said section reads as follows:

701.3, Flood hazard areas.

Section 701.3, Flood hazard areas, is hereby deleted in its entirety and the following provision shall be substituted therefor:

In flood hazard areas, alterations that constitute substantial improvement shall require that the building comply with TMC Chapters 14.20 (building code), 14.55 (residential code), as applicable, and 17.30 (floodplain management).

Section 28. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.250, which said section reads as follows:

702.6.1, International Fuel Gas Code.

Section 702.6.1, International Fuel Gas Code, is hereby deleted in its entirety.

Section 29. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.260, which said section reads as follows:

705, Accessibility (Alterations – Level 1).

Section 705, Accessibility, is hereby deleted in its entirety and the following provision shall be substituted therefor:

A facility that is altered shall comply with applicable city ordinances, state and federal statutes and implementing regulations for accessibility.

Section 30. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.270, which said section reads as follows:

706, Reroofing.

Section 706, Reroofing, is hereby deleted in its entirety and the following provision shall be substituted therefor:

Materials and methods of application used for recovering or replacing an existing roof covering shall comply with TMC Chapter 14.20.

349 Section 31. That The Code of the City of Topeka, Kansas, is hereby amended
350 by adding a section, to be numbered 14.85.280, which said section reads as follows:

351 **708, Energy Conservation.**

352 Section 708.1, Minimum requirements, is hereby deleted in its entirety and the
353 following provision shall be substituted therefor:

354 Level 1 alterations to existing buildings or structures are permitted without
355 requiring the entire building or structure to comply with the energy requirements
356 of TMC Chapter 14.55 (residential code) and TMC Chapter 14.80 (energy
357 conservation code). The alternations shall conform to the requirements in TMC
358 Chapter 14.55 and 14.80 as they relate to new construction only.

359 Section 32. That The Code of the City of Topeka, Kansas, is hereby amended
360 by adding a section, to be numbered 14.85.290, which said section reads as follows:

361 **806, Accessibility (Alterations – Level 2).**

362 Section 806, Accessibility, is hereby deleted in its entirety and the following
363 provision shall be substituted therefor:

364 A building, facility or element that is altered shall comply with applicable
365 city ordinances, state and federal statutes and implementing regulations for
366 accessibility.

367 Section 33. That The Code of the City of Topeka, Kansas, is hereby amended
368 by adding a section, to be numbered 14.85.300, which said section reads as follows:

369 **807.5, Existing structural elements resisting lateral loads.**

370 Section 807.5, Existing structural elements resisting lateral loads, is amended to
371 add the following exception:

Sections 403.4 through 403.8 may be used in lieu of section 807.5.

Section 34. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.310, which said section reads as follows:

906, Accessibility (Alterations – Level 3).

Section 906, Accessibility, is hereby deleted in its entirety and the following provision shall be substituted therefor:

A building, facility or element that is altered shall comply with applicable city ordinances, state and federal statutes and implementing regulations for accessibility.

Section 35. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.320, which said section reads as follows:

907.4, Existing structural elements resisting lateral loads.

Section 907.4, Existing structural elements resisting lateral loads, is amended to add the following exception:

For risk category I & II structures undergoing limited structural alterations, as defined in 907.4.4, the provisions of Sections 403.4 through 403.8 may be used in lieu of Section 907.4.

Section 36. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.330, which said section reads as follows:

908, Energy Conservation.

Section 908.1, Minimum requirements, is deleted in its entirety and the following provisions shall be substituted therefor:

Level 3 alterations to existing buildings or structures are permitted without

395 requiring the entire building or structure to comply with the energy requirements
396 of TMC Chapter 14.55 (residential code) and Chapter 14.80 (energy
397 conservation code). The alternations shall conform to the requirements in TMC
398 Chapter 14.55 and 14.80 as they relate to new construction only.

399 Section 37. That The Code of the City of Topeka, Kansas, is hereby amended
400 by adding a section, to be numbered 14.85.340, which said section reads as follows:

401 **1006, Accessibility (Change of Occupancy).**

402 Section 1006.1, General, is hereby deleted in its entirety and the following
403 provision shall be substituted therefor:

404 Accessibility in portions of buildings undergoing a change of occupancy
405 classification shall comply with applicable city ordinances, state and federal
406 statutes and implementing regulations for accessibility.

407 Section 38. That The Code of the City of Topeka, Kansas, is hereby amended
408 by adding a section, to be numbered 14.85.350, which said section reads as follows:

409 **1007.3.1, Compliance with International Building Code-level seismic forces.**

410 Section 1007.3.1, Compliance with International Building Code-level seismic
411 forces, is amended to add the following exception:

412 The provisions of Section 407.4 may be used in lieu of this Section
413 1007.3.1.

414 Section 39. That The Code of the City of Topeka, Kansas, is hereby amended
415 by adding a section, to be numbered 14.85.360, which said section reads as follows:

416 **1008.1, Special occupancies.**

417 Section 1008.1, Special occupancies, is deleted in its entirety and the following

provisions shall be substituted therefor:

Where the occupancy of an existing building or part of an existing building is changed to one of the following special occupancies as described in NFPA 70 or any of the codes adopted in TMC Title 14, the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements of NFPA 70, the codes adopted in TMC Title 14, and any other applicable ordinances, whether or not a change of occupancy group is involved:

1. Hazardous locations.
2. Commercial garages, repair, and storage.
3. Aircraft hangars.
4. Gasoline dispensing and service stations.
5. Bulk storage plants.
6. Spray application, dipping, and coating processes.
7. Health care facilities.
8. Places of assembly.
9. Theaters, audience areas of motion pictures and television studios, and similar locations.
10. Motion picture and television studios and similar locations.
11. Motion picture projectors.
12. Agricultural buildings.

Section 40. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.370, which said section reads as follows:

441 **1012.8, Accessibility (Change of group or occupancy classification).**

442 Section 1012.8, Accessibility, is hereby deleted in its entirety and the following
443 provision shall be substituted therefor:

444 Existing buildings that undergo a change of group or occupancy
445 classification shall comply with applicable city ordinances, state and federal
446 statutes and implementing regulations for accessibility.

447 Section 41. That The Code of the City of Topeka, Kansas, is hereby amended
448 by adding a section, to be numbered 14.85.380, which said section reads as follows:

449 **1103.5, Flood hazard areas.**

450 Section 1103.5, Flood hazard areas, is hereby deleted in its entirety and the
451 following provisions shall be substituted therefor:

452 Additions and foundations in flood hazard areas shall comply with TMC
453 Chapters 14.20 (building code) and 17.30 (floodplain management).

454 Section 42. That The Code of the City of Topeka, Kansas, is hereby amended
455 by adding a section, to be numbered 14.85.390, which said section reads as follows:

456 **1105, Accessibility (Additions).**

457 Section 1105, Accessibility, is hereby deleted in its entirety and the following
458 provision shall be substituted therefor:

459 Accessibility provisions for new construction shall comply with applicable
460 city ordinances, state and federal statutes and implementing regulations for
461 accessibility.

462 Section 43. That The Code of the City of Topeka, Kansas, is hereby amended
463 by adding a section, to be numbered 14.85.400, which said section reads as follows:

464 **1106, Energy Conservation.**

465 Section 1106.1, Minimum requirements, is hereby deleted in its entirety and
466 the following provision shall be substituted therefor:

467 Additions to existing buildings shall conform to the energy requirements of
468 TMC Chapters 14.55 (residential code) or 14.80 (energy conservation code) as
469 they relate to new construction.

470 Section 44. That The Code of the City of Topeka, Kansas, is hereby amended
471 by adding a section, to be numbered 14.85.410, which said section reads as follows:

472 **1201.4, Flood hazard areas.**

473 Section 1201.4, Flood hazard areas, except for the provision marked “Exception,”
474 is hereby deleted in its entirety and the following provision shall be substituted therefor:

475 In flood hazard areas, if all proposed work, including repairs, work
476 required because of a change of occupancy, and alterations, constitutes
477 substantial improvement, then the existing building shall comply with the
478 requirements provided in the TMC Chapters 14.20 (building code) and 17.30
479 (floodplain management).

480 Section 45. That The Code of the City of Topeka, Kansas, is hereby amended
481 by adding a section, to be numbered 14.85.420, which said section reads as follows:

482 **1204, Alterations (Accessibility; Historic Buildings).**

483 Section 1204, Alterations, is hereby deleted in its entirety and the following
484 provision shall be substituted therefor:

485 Provisions related to historic structures that undergo alterations shall
486 comply with city ordinances, state and federal statutes and implementing

487 regulations for accessibility.

488 Section 46. That The Code of the City of Topeka, Kansas, is hereby amended
489 by adding a section, to be numbered 14.85.430, which said section reads as follows:

490 **1205.15, Change of occupancy (Accessibility; Historic Buildings).**

491 Section 1205.15, Accessibility requirements, is hereby deleted in its entirety and
492 the following provision shall be substituted therefor:

493 Provisions related to historic structures that undergo a change of
494 occupancy shall comply with city ordinances, state and federal statutes and
495 implementing regulations for accessibility.

496 Section 47. That The Code of the City of Topeka, Kansas, is hereby amended
497 by adding a section, to be numbered 14.85.440, which said section reads as follows:

498 **1302.6, Flood hazard areas.**

499 Section 1302.6, Flood hazard areas, is hereby deleted in its entirety and the
500 following provision shall be substituted therefor:

501 If relocated or moved into a flood hazard area, structures shall comply with
502 the requirements provided in the TMC Chapters 14.20 (building code) and 17.30
503 (floodplain management).

504 Section 48. That The Code of the City of Topeka, Kansas, is hereby amended
505 by adding a section, to be numbered 14.85.450, which said section reads as follows:

506 **1401.3.3, Compliance with flood hazard provisions.**

507 Section 1401.3.3, Compliance with flood hazard provisions, is hereby deleted in
508 its entirety and the following provision shall be substituted therefor:

509 In flood hazard areas, buildings that are evaluated in accordance with this

section shall comply with the requirements provided in the TMC Chapters 14.20 (building code) and 17.30 (floodplain management), as applicable if the work covered by this section constitutes substantial improvement.

Section 49. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.460, which said section reads as follows:

1401.4.1, Structural analysis.

Section 1401.4.1, Structural analysis, is hereby deleted in its entirety and the following provision shall be substituted therefor:

The owner shall have a structural analysis of the existing building made to determine adequacy of structural systems for the proposed alteration, addition or change of occupancy. The analysis shall demonstrate that the building with the work completed meets the structural provisions of IEBC Chapters 5 through 13.

Section 50. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 14.85.470, which said section reads as follows:

1508, Accessibility (Construction Safeguards).

Section 1508.1, Construction sites, is hereby deleted in its entirety and the following provision shall be substituted therefor:

Structures, sites, and equipment directly associated with the actual process of construction, including but not limited to scaffolding, bridging, material hoists, material storage, or construction trailers shall comply with city ordinances, state and federal statutes and implementing regulations for accessibility.

Section 51. That original § 2.235.010 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 52. This ordinance shall take effect and be in force after its passage, approval and publication in the official City newspaper.

Section 53. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 54. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 15, 2020

DATE: December 15, 2020
CONTACT PERSON: DOCUMENT #:
SECOND PARTY/SUBJECT: Public Comment PROJECT #:
Protocol
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

PUBLIC COMMENT PROTOCOL

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

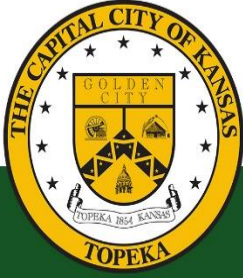
BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

Zoom Meeting Protocol - Public Comment
Procedures for Addressing the Governing Body
December 15, 2020 Public Comment Received



CITY OF TOPEKA

City Clerk
City Hall, 215 SE 7th Street, Room 166
Topeka, KS 66603
www.topeka.org

Brenda Younger, M.M.C.
785-368-3940
Email: byounger@topeka.org

Zoom Meeting Protocol Public Comment

- 1) Make sure your **Zoom name, email and/or phone number** matches what was submitted to the City Clerk when you signed up for public comment. **Any misnamed or unauthorized users will not be admitted to Zoom.**
- 2) Please keep your **mic muted** and your **camera off** until you are called by the Mayor to give your comment.
- 3) If you are cut off during your comment time due to an internet connection or technical issue, you will need to submit your comments in writing to the City Clerk at cclerk@topeka.org or 215 SE 7th Street, Room 166, Topeka, KS 66603 for attachment to the minutes.
- 4) If you break any of the public comment rules, you will receive one warning from the Mayor. If you continue any prohibited behavior, you will be removed from the Zoom meeting room and will not be allowed to rejoin.
- 5) Public comment is limited to four minutes. You may receive an extension at the discretion of the Governing Body. The timer will be visible to you in the 'City of Topeka Admin' window on the Zoom app. Call-in users will hear one beep when a minute is remaining and then another beep when time has expired.
- 6) Please **do not share the Zoom login information** with anyone. Any unauthorized users will not be admitted to the Zoom meeting room.

PROCEDURES for Addressing the Governing Body

In accordance with Governing Body Rules, the following protocols for public comment apply.

- Each person shall state his or her name and city of residence in an audible tone for the record.
- All remarks shall be addressed to the Governing Body as a whole -- not to any individual member.
- In order to provide additional time for as many individuals as possible to address the Governing Body, each individual signed up to speak will need to complete his or her comments within four minutes.
- The following behavior will not be tolerated from any speaker:
 - Uttering fighting words
 - Slander
 - Speeches invasive of the privacy of individuals (no mention of names)
 - Unreasonably loud speech
 - Repetitious speech or debate
 - Speeches so disruptive of proceedings that the legislative process is substantially interrupted

Any speaker who engages in this type of behavior will be warned once by the presiding officer (Mayor). If the behavior continues, the speaker will be ordered to cease his or her behavior. If the speaker persists in interfering with the ability of the Governing Body to carry out its function, he or she will be removed from the Zoom meeting room.

Members of the public, Governing Body and staff are expected to treat one another with respect at all times.

Attachment A

Kelly L. Bogner

From: Sydney Stout <syd.stout25@gmail.com>
Sent: Tuesday, December 15, 2020 11:08 AM
To: City Clerk
Subject: Item 4D

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.

Topeka City Council,

Good morning. I am a Topeka resident and I am writing to express my support for Item4D, Topeka's non-discrimination ordinance. I understand that the council is voting on this issue tonight at 6pm and I want to encourage you to vote to pass this ordinance. It is important that our state capital sets a precedent of tolerance and inclusion. The United States Declaration of Independence defines life, liberty, and the pursuit of happiness as three examples of unalienable rights that the US government has a responsibility to protect. LGBTQIA+ citizens of Topeka are no exception to these rights. The law-abiding people of this community deserve gainful employment without the threat of systemic discrimination. Again, I implore you to set a positive example by supporting the civil rights of Topeka citizens.

Thank you for your time and consideration,

Sydney Stout



Virus-free. www.avast.com

Kelly L. Bogner

From: Aaron Anothayanontha <aaronano@gmail.com>
Sent: Tuesday, December 15, 2020 12:01 PM
To: City Clerk
Subject: support for Item4D

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.

Topeka City Council,

Good afternoon. I am a resident of Kansas writing to express my support for Item4D, Topeka's non-discrimination ordinance. I understand that the council is voting on this important issue tonight at 6pm and I want to encourage you to vote to pass this ordinance. It is important that our state capital sets a precedent of tolerance and inclusion. The United States Declaration of Independence defines life, liberty, and the pursuit of happiness as three examples of unalienable rights that the US government has a responsibility to protect. LGBTQIA+ citizens of Topeka are no exception to these rights. The law-abiding people of this community deserve gainful employment without the threat of systemic discrimination. Again, I implore you to set a positive example by supporting the civil rights of Topeka citizens.

Thank you for your time and consideration,

Aaron Anothayanontha

Kelly L. Bogner

From: Kim Anothayanontha <kimberlyano@gmail.com>
Sent: Tuesday, December 15, 2020 12:06 PM
To: City Clerk
Subject: Item 4D

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.

Topeka City Council,

Good morning. I am a resident of Kansas and I am writing to express my support for Item4D, Topeka's non-discrimination ordinance. I understand that the council is voting on this issue tonight at 6pm and I want to encourage you to vote to pass this ordinance. It is important that our state capital sets a precedent of tolerance and inclusion. The United States Declaration of Independence defines life, liberty, and the pursuit of happiness as three examples of unalienable rights that the US government has a responsibility to protect. LGBTQIA+ citizens of Topeka are no exception to these rights. The law-abiding people of this community deserve gainful employment without the threat of systemic discrimination. Again, I implore you to set a positive example by supporting the civil rights of Topeka citizens.

Thank you for your time and consideration,

Have a beautiful day!
Kimberly D. Anothayanontha

Kelly L. Bogner

From: Danielle Twemlow <danielle.twemlow@gmail.com>
Sent: Tuesday, December 15, 2020 4:30 PM
To: City Clerk; Mayor
Subject: Public record comment for LGBTQ+ discrimination ban

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.

Good evening-

Since its inception, Topeka has been a place dedicated to freedom for all Americans. In order to keep that drive toward justice true for all, then it is imperative that our governing body votes to ban discrimination toward LGBTQ + folks in our community. We should never have loopholes in our protections that allow for bigotry and bias to infringe on individual's rights to work, live, and love in our community. We must send a message to our community, and those seeking to come here, that we assert all our power in protecting each person.

I know that I personally look for these testaments when I visit other cities and often make decisions on where to go based on how welcoming the place is. Topeka must take a stand against all forms of discrimination and welcome everyone here.

Our family supports the passing of the proposed ordinance banning discrimination of LGBTQ+ folks.

Respectfully,
Danielle Twemlow and Tyler Allen

Kelly L. Bogner

From: Black Lives Matter Topeka KS <blacklivesmattertopekaks@gmail.com>
Sent: Tuesday, December 15, 2020 4:46 PM
To: City Clerk
Subject: Tonight's vote on LGBTQIA Ban

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.

It is essential and absolutely imperative that I express to you, on behalf of Black Lives Matter Topeka, that passing this ban is absolutely paramount. People's safety and protection should never be in question. All people deserve to experience safety, ALL people. All people deserve to exist in a capacity in which they can live whole versions of themselves without being required to fragment off parts of their identity to work, exist, live, etc. Passing this ban is one step in that direction. There will be many more steps subsequent; however, this ban is an essential piece. Protection and safety are active practices. We need you all to lean into this and protect ALL the people you serve. People are worth protecting, every time.