

Council Minutes – February 16, 2016

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 16, 2016. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Clear, Ortiz, Schumm, De La Isla, Jensen, Schwartz, Coen and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Pastor Rey Rodriguez, Harvest Family Fellowship, gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the reappointment of Joyce Grigsby to the Topeka Human Relations Commission to fill an unexpired term ending January 1, 2018, was presented.

APPROVAL of a Workers' Compensation Settlement for Julie Hoffman, retired police sergeant, in the amount of \$45,000 for the permanent partial impairment of her bilateral upper extremities for injuries she alleged from her repetitive movement activities as a police officer, was presented.

RESOLUTION NO. 8746 introduced by Councilmember Karen Hiller granting the Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8747 introduced by Councilmember Karen Hiller approving a special event known as the 2016 St. Patrick's Day Street Party was presented.

RESOLUTION NO. 8748 introduced by Councilmember Karen Hiller approving a special event known as the 2016 Mater Dei Irish Fest was presented.

MINUTES of the regular meeting of February 9, 2016, was presented.

Councilmember Harmon moved to approve the consent agenda. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

DENIAL of Security Guard License Appeal submitted by Jacob Keeler was presented.

Luther Ganieany, Assistant City Attorney, gave a brief background of the applicant and reason for denial.

Lisa Robertson, City Attorney, reported the Governing Body must make a determination based on the facts as presented.

Councilmembers Ortiz, Clear and De La Isla spoke in support of the denial and encouraged the applicant to search other companies that offer education and employment to individuals with felonies.

Jacob Keeler, applicant, thanked the Governing Body for the opportunity to appear before them and commented on his history and the reasons for his appeal.

Councilmember Harmon moved to approve the denial of the security guard license appeal. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” Councilmember Schumm abstained. (9-0-1)

ORDINANCE NO. 19985 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of January 2, 2016, through January 29, 2016, and enumerating said expenditures therein was presented.

Jim Colson, City Manager, reported approval would authorize City expenditures in the amount of \$22,594,839.26.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” Councilmember Clear left the room. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Schumm, De La Isla, Jensen, Schwartz, Coen, Harmon and Mayor Wolgast -9. Absent: Clear -1.

Councilmember Clear entered the room.

ORDINANCE NO. 19986 introduced by City Manager Jim Colson, concerning Neighborhood Planning, pertaining to an amendment to the text and map of the Topeka Comprehensive Plan for the North Topeka West Neighborhood Plan was presented. *(CPA15/2)*

Bill Fiander, Planning Department Director, reported approval would implement the North Topeka West Neighborhood Plan to carry out SORT target area infrastructure and housing improvements. He recognized the Neighborhood Improvement Association, Shawnee County Parks & Recreation Department staff and City staff for their work in drafting the plan.

Councilmember Clear moved to adopt the ordinance. The motion was seconded by Councilmember Jensen.

Teresa Miller spoke in support of the plan. She thanked the individuals and groups involved in the process and encouraged the Governing Body to adopt the ordinance.

The motion to adopt the ordinance carried unanimously. Mayor Wolgast voted “yes.”
(10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Schumm, De La Isla, Jensen, Schwartz, Coen, Harmon and Mayor Wolgast -10.

RESOLUTION NO. 8749 introduced by City Manager Jim Colson in accordance with Section 18.60.010 of the Topeka Municipal Code, approving a Conditional Use Permit to allow for a “Parking, Surface Lot in Association With A Principal Use” on property zoned “R-2” Single Family Dwelling District and located at the northeast corner of SW 2nd Street and SW MacVicar Avenue (2440 SW 2nd Street) in the City of Topeka, Shawnee County, Kansas was presented.
(CU16/1)

Bill Fiander, Planning Department Director, reported approval would allow the Shawnee County Health Department to construct an employee parking lot and associated improvements for the Local Health Division. He noted a neighborhood informational meeting was held on January 6, 2016, and the following concerns expressed by neighboring residents were addressed:

- A pedestrian-activated rapid flashing beacon signal will be located at the site
- The parking lot will not have direct access to MacVicar Avenue
- The County would provide new landscaping along the major arterial street and roadway entrance from I-70
- The setback parking lot will be consistent with similar building setbacks along MacVicar
- The request would allow the City to better implement the Topeka Bikeways Plan by altering the current bike route so a crossing for cyclists will occur at the signalized intersection.

Councilmember Ortiz reported some residents have expressed concern with drainage from the site and crossing the heavily traveled street.

Bill Fiander reported the flashing beacons and crosswalk are intended to slow traffic and has proven safe in other highly traveled areas of the city; and drainage issues have been addressed at the site.

Councilmember Coen inquired about the status of the house located on the property.

Bill Fiander stated the house was a vacant blighted structure and would be demolished.

Councilmember Hiller expressed concern with the sufficiency of a flashing beacon and crosswalk in regards to slowing heavy traffic. She encouraged the area to be reevaluated at a later date to determine the need of a full stoplight system. She expressed her appreciation of the public hearing process and the individuals who expressed their concerns.

Councilmember Hiller moved to approve the resolution. The motion seconded by Councilmember Coen carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

APPROVAL of a three-year labor agreement between the City of Topeka and the International Association of Fire Fighters (IAFF) Local Union No. 83, was presented.

(Contract No. 44941)

Jacque Russell, Human Resources Director, reported a tentative agreement was reached and ratified by union members and provides for a 1% pay matrix increase in 2016 and a 1.25% increase in 2017 and 2018. She noted both parties agreed to reopen the contract to 1) discuss employee-related changes as the city moves forward in implementing Advanced Life Support (ALS) services which could impact wages; and 2) to further discuss the process for filling officer positions addressed in Article 27.

Councilmember Ortiz thanked City staff for their hard work during negotiations and asked if IAFF Local Union No. 83 members were satisfied with the labor agreement.

Clint Patty, attorney for IAFF Local Union No. 83, reported the Union is satisfied with the labor agreement.

Randy Phillips, IAFF Local Union No. 83 President stated he concurs with Mr. Patty and believes the labor agreement is fair and equitable for union members.

Councilmember Ortiz moved to approve the labor agreement. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

DISCUSSION regarding an update to the 2006 Fire and Rescue Services Facility Deployment Study was presented.

Jim Colson, City Manager, reported the discussion is the first of many conversations needed to establish a better understanding of the needs of the community. He stated the study was conducted to review current allocated resources and achieve optimal response to the community. He reported the City’s Executive Management Team and Topeka Fire Department leadership met and conducted excellent discussions regarding the study and information.

Kent Greene, Emergency Services Consulting International Project Manager, reported the intent of the Fire Department Station Location Update Study was to locate future fire station

locations and improve efficiency through redeployment of existing resources. He summarized the evaluation of current conditions for the Topeka Fire Department, Service Demand, Resource Distribution based on National Fire Protection Association (NFPA) 1710 (Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments), Reliability, Response Performance, Future System Demand, Future Delivery System Models, Findings and Recommendations. He listed the following recommendations:

1. Turnout time performance is higher than expected and should be monitored to ensure that personnel are getting en route to incidents in a timely manner. This will further reduce overall response time.
2. In order to maintain the current level of service, it is possible to close several stations and relocate others, as noted below:
 - a. Close Fire Stations 1, 4, 7 and 10
 - b. Construct two new stations at:
 - i. SW Gage Boulevard & SW 10th Avenue*
 - ii. SW Topeka Boulevard & S. Kansas Avenue
3. An additional engine would be necessary at Fire Station 5 to complement the ladder already housed there.
4. An additional engine would be necessary at Fire Station 11 to complement the current resources and provide sufficient coverage to the northern areas of the City.
5. In order to reduce gaps in ladder/rescue coverage, the City should consider adopting an eight minute travel model for those resources.
6. Since a majority of the department's workload is medical in nature, the City should consider alternatives to the current response protocol including implementation of smaller response vehicles for non-structural response.
7. Adopt a response performance objective of seven minutes when measured at the 90th percentile.

Mayor Wolgast asked if the area including the Mars facility was considered in the study.

Councilmember Schumm thanked Mr. Greene for the presentation and study. He asked what feedback and concerns have been received regarding the recommendations to close Fire Station No. 1.

Kent Greene stated the southwest area including the Mars facility was not included because it is not within the City's contiguous limits; however, the study looked at land use and the risks as

it pertains to the community. He noted outlying department agencies such as townships or Forbes Field can provide assistance to these areas; however, not all agencies are full-time operations. He reported the study focused more on Fire Station No. 4 and the area surrounding that facility to ensure appropriate resources are deployed.

Jim Colson stated he anticipates the study will encourage thorough and extensive discussions to transition from basic to advanced life support in the community and commented on the preliminary nature of the recommendations.

Councilmember Clear stated she believes the Fire Department does a good job servicing the community. She asked why the study was conducted, how the turnout time could be minimized and if the study discovered ways to financially save taxpayer money.

Kent Greene reported the intent of the study was to provide a pathway for future stations based on the Fire Protection Association standard of four minutes turnout time. He noted many cities are struggling financially and the study provides options to improve efficiency without degrading the good level of service currently provided by the City's Fire Department, covering as much area as possible, with the least amount of resources. He stated the study looked at the operational impact; however, there are reallocations recommended not reductions as well as room for efficiency in redundancies.

Councilmember Harmon thanked Mr. Greene for the presentation and asked what benchmarks or assumptions have changed since the 2006 study was conducted.

Kent Greene commented on the shift in service demand to the core of the city, service delivery and the assumption that the community would support construction of new facilities or reallocation of resources. He stated the processing times are at a level rate, the turnout time is increasingly getting longer; response times are up a six second difference from 2010 to 2014 as well as the continuing development outside of the perimeter of the city.

Councilmember Jensen expressed concern with how the recommendations could have an impact on a natural disaster occurring in areas along the Kansas River and questioned when re-evaluations should occur to keep up with growth of the city.

Kent Greene stated the study looked at the existing street network of the city and not the possibility of a natural disaster; however, in the event of a natural disaster, outside resources could assist until internal resources gather momentum. He suggested the study should be re-evaluated every few years to review population targets, determine if services are meeting community needs and make adjustments where development is occurring within the community.

Councilmember Schwartz thanked Mr. Greene for the presentation. She expressed concern with page 28 of the study “Figure 26: Service Demand Projections” and asked what are “Other Calls” referenced in Recommendation No. 6; if there is anything the City could do to reduce sending out large apparatus on emergency medical calls; if there are examples of other cities that have done this to reduce costs; and if there are accreditation programs the department should consider.

Kent Greene stated the study suggests looking at an alternative delivery of service with smaller emergency vehicles and/or emergency medical service operations. He noted Seattle, Washington, as well as Salem, Oregon are cities that have transitioned to smaller vehicles for better efficiency. He also stated emergency medical services are not standardized and vary in levels of expectations. He commented on the benefits of a department going through the accreditation process.

Councilmember Ortiz questioned why the 2006 study was not reviewed and asked about future projections included in the study regarding fire calls and medical services. She commended Mr. Greene for meeting with the Topeka Fire Department to discuss their

experiences relating to real life service calls. She spoke in support of keeping Fire Station No. 3 open.

Kent Greene reported the service demand and population has changed since 2006; therefore, changing demographics. He noted the study used historical rates to predict future population rates as well as per capita usage rates and it is not a guaranteed prediction as other factors could affect the outcome.

Councilmember De La Isla expressed her appreciation of the informative study and presentation to help determine the best investment of assets and how it would affect individuals in the community. She stated the City is looking at an uncertain budget, consideration of building two fire stations, land growth and resources and how it all can be better utilized economically and efficiently for citizens. She noted she looks forward to more public discussion and input on the issues and recommendations listed in the study.

Councilmember Hiller questioned the differences between the 2006 and 2014 population projections.

Kent Greene referenced the population history and growth rate on page 22 of the study and reported the trend had a steady growth through the first decade; however, it has declined in recent years based on available census data which impacted the population projection.

Jim Colson reported the 2006 Fire Department Deployment Study, the Fire and Rescue Services Facility Deployment Study Update, and the presentation by Kent Greene are available on the City's website at www.topeka.org/tfd/DeploymentStudy.

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

Mayor Wolgast announced there would be no City Council meeting on February 23, 2016.

Jim Colson, City Manager announced public meetings would be held for Phase II of the NE Seward Avenue Project on February 22, 2016, from 4:30 p.m. to 6:00 p.m. at the Sacred Heart Catholic Church located at NE Seward and NE Freeman; and Phase II of the SW 37th Street from SW Burlingame to SW Gage Boulevard Project would be held February 18, 2016, from 4:30 p.m. to 6:00 p.m. at the Topeka Baptist Church located at SW 45th Street and SW Gage Boulevard. He noted individuals could contact David Bevens, Public Works Community Education Manager at 368-1642 for more information. He also announced Westar Energy would be celebrating the completion of the Westar Energy Pocket Park at 818 S. Kansas Avenue on February 25, 2016, at 11:00 a.m.

Councilmember Hiller commended City staff for their hard work throughout the year.

Councilmember Clear encouraged everyone to participate in Operation Soup Line on February 23, 2016, at the Kansas Expocentre Ag Hall from 11:00 a.m. to 7:00 p.m.

Councilmember Ortiz asked for an update on the street light outages across the city and if Westar Energy has been notified.

Jim Colson reported he has met with Russ Cobb, Westar Energy, and will follow up with him to provide an update to the Governing Body. He encouraged the Governing Body to send him a list of non-functioning street lights so the issue could be resolved.

Councilmember Schumm expressed appreciation to citizens for voicing their concerns and thanked Topeka Police Chief James Brown and community police officers in Council District No. 4 for their attention and responses to community concerns and complaints.

Councilmember De La Isla expressed appreciation to the Shawnee County Commissioners for the discussions regarding the Countywide Retailers' Half-Cent Sales Tax issue and their willingness to work with the City for the betterment of the community. She expressed concern with the sensationalized reports from the media regarding the issue. She reported the JEDO

Board held a meeting on February 10, 2016, and great discussions were held on plans to move the City forward and believes focusing on working together will help accomplish more for the City and County.

Councilmember Jensen expressed appreciation to the individuals working on improving the closed Dillon's grocery store located at 1400 SW Huntoon.

Councilmember Schwartz encouraged everyone to support local venues. She stated this week's "gem" of Topeka is the Kansas Historical Society and the Shawnee County Historical Society. She announced the Kay McFarland Estate Sale is scheduled for February 25-27, 2016, at the Big Gage Shelter House with proceeds benefitting the Asian Garden at the Topeka Zoo.

Councilmember Hiller moved to recess into executive session for a time period not to exceed five minutes to discuss non-elected personnel matters and to include the Governing Body and the Human Resources Director. The motion seconded by Councilmember Clear carried unanimously. Mayor Wolgast voted "yes." (10-0-0)

At 8:06 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Jensen moved to recess into executive session for a time period not to exceed ten minutes to continue discussion of non-elected personnel matters and to include the Governing Body and the Human Resources Director. The motion seconded by Councilmember carried unanimously. Mayor Wolgast voted "yes." (10-0-0)

At 8:17 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:17 p.m.

Brenda Younger
City Clerk