

Council Minutes – June 2, 2015

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 2, 2015. 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 Scott Turner, North Rock Baptist Temple gave the invocation.

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

A PRESENTATION on the ADA Advisory Council was provided by Marilyn Lind, ADA Advisory Council Chair, and Theresa Packard, ADA Advisory Board member. Ms. Lind stated the ADA Advisory Council consists of Topeka citizens with or without disabilities, appointed by the City Council to bring their voice to the City Council and community. She reported they are seeking appointees and encouraged citizens to become involved with the ADA Advisory Council and Governing Body members to nominate individuals interested in serving. Ms. Packard distributed a flyer and survey regarding services provided by the ADA Advisory Council including pedestrian safety, emergency preparedness, City building access, recreation sites and programs as well as other concerns affecting safety, accessibility and opportunity in the city of Topeka. Ms. Lind encouraged citizens to submit the survey so the ADA Advisory Council could recognize citizens supporting their efforts.

Mayor Wolgast expressed the importance of the ADA Advisory Council and the great services they provide the community. He reported the ADA Advisory Council reports directly to the Governing Body and encouraged Councilmembers to nominate citizens to serve on the ADA Advisory Council.

SPECIAL RECOGNITION was given to the Topeka Police Department Motorcycle Unit by Topeka Police Chief Jim Brown for participating in the 2015 Midwest Police Motorcycle Challenge in Lenexa, Kansas. Chief Brown reported 43 agencies participated in the Motorcycle Challenge with the Topeka Police Department earning 12 awards, the most of any of the motorcycle unit that participated in the Challenge. He commended the officers of the Motorcycle Unit for their dedication and continued service to the community.

Mayor Wolgast commended the Motorcycle Unit for their outstanding achievements and expressed appreciation to the Motorcycle Unit for providing an important service to the citizens of Topeka.

Jeff Whisler, Topeka Police Sergeant, provided a brief overview of the individual awards received at the Midwest Motorcycle Challenge.

THE CONSENT AGENDA was presented as follows:

DENIAL of Tort Claim filed by Kelly Muxlow in the amount of \$351,421.98 for injuries sustained after claimant fell in drainage culvert located near SW Fairlawn Road and SW Cedar Crest was presented.

DENIAL of Tort Claim filed by Brian Kassin in the amount of \$447,155.43 for residential damage caused by a broken water main was presented.

RESOLUTION NO. 8693 introduced by Deputy Mayor Karen Hiller, approving a special event known as Tap That Topeka: A Capitol Brew Festival to be held on June 27, 2015, was presented.

RESOLUTION NO. 8694 introduced by Deputy Mayor Karen Hiller, granting Boys and Girls Clubs of Topeka an exception to the provisions of City of Topeka Code Section 9.45.150 concerning noise prohibitions was presented.

RESOLUTION NO. 8695 introduced by Deputy Mayor Karen Hiller approving a special event known as the 2015 Harley Party for the Boys and Girls Clubs of Topeka was presented.

MINUTES of the regular meeting of May 19, 2015, was presented.

APPROVAL of Cereal Malt Beverage License applications were presented for the following:

<u>Business Name</u>	<u>Address</u>
2nd Quick Stop	1320 SW 6 th Avenue
California BP	2740 SE California Avenue
Casey's #2261	600 SE Rice Road
Casey's #2312	4441 SE California Avenue
Downtown BP	600 SE Quincy Street
East Quick Stop	3100 SE 6 th Avenue
Goose Express	2901 SE Fremont Street
Herman Beef & Sausage House	823 NW Gordon Street
Holiday Square 66	2901 SW Topeka Boulevard
Hy-Vee #1658	2951 SW Wanamaker Road
Hy-Vee Gas	6011 SW 29 th Street
I-70 BP	1000 SW Wanamaker Road
Kelly Express	1001 SW Wanamaker Road
Kick's 66	3300 SW Gage Boulevard
Lakeview Phillips	3000 SE Croco Road
Larry's Shortstop	3834 SW Topeka Boulevard
Murphy Express #8599	1531 SW Wanamaker Road
Oakmart BP	2518 NE Seward Avenue
Seabrook Apple Market	1945 SW Gage Boulevard
Tilton's Oakland Market	1905 NE Seward Avenue
Villa West Express	2855 SW Wanamaker Road
White Lakes 66	931 SW 37 th Street

Councilmember De La Isla moved to approve the consent agenda. The motion seconded by Councilmember Ortiz carried unanimously. (10-0-0)

ORDINANCE NO. 19951 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of March 28, 2015, through May 1, 2015, and enumerating said expenditures therein was presented.

Doug Gerber, Administrative and Financial Services Director, reported approval would authorize City expenditures in the amount of \$17,330,869.04.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried unanimously. (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.

DISCUSSION to provide an overview of the Emergency Management Plan was presented.

Topeka Police Detective Ed Keller, Director of Emergency Management and Homeland Security Division, provided an overview of the City's Emergency Management during and after a disaster. Mr. Keller reported on the following steps that would be taken in the event of an emergency:

- 1) Information would flow from City Departments to the City Emergency Coordinating Center where as a unified group they would use the Incident Command System (ICS) to make key decisions on a local level.
- 2) After 60% of the City's resources have been exhausted the City would contact Shawnee County Emergency Management and the County would activate the Emergency Operation Center to assist the City with acquiring needed resources as well as Shawnee County would inform the State of Kansas Division of Emergency Management of the City's situation and the County would seek the resources to assist the City.
- 3) The Kansas Division of Emergency Management would then reach out for Federal assistance once the State has determined that the required threshold would be reached after an incident.

Councilmember Ortiz asked if weather radios would be made available to citizens through Shawnee County.

Jim Green, Emergency Preparedness Coordinator, reported he is unsure if weather radios are still being offered at this time and noted in the past, grant funding allowed for the program to take place. He stated he would confirm the program status and report back to the Governing Body. He recommended all citizens purchase a weather radio to help save lives during a natural disaster.

Councilmember Jensen questioned what constitutes an emergency and what level of emergency activates the process.

Ed Keller reported there were indicators for the Emergency Coordination Center (ECC) activation based on analysis of what was happening at the time.

Councilmember Coen asked if there was a secondary location available if the ECC building is demolished during a natural disaster.

Jim Green stated a fire station or other safe location designated by the Chief of Police would be used as an alternative location.

Councilmember Schwartz asked if public safety officials know where to direct citizens if local roads are blocked.

Jim Green stated the ECC assists local emergency management staff in facilitating plans and resources to ensure all steps are covered in the event of a disaster.

Mayor Wolgast reassured Topeka residents they are located in an area that provides for excellent resources due to the close proximity of the Kansas Division of Emergency Management headquarters and Kansas National Guard.

Councilmember Jensen asked if Kansas Open Meetings Act (KOMA) regulations apply during an emergency and questioned if video cameras would be a viable solution if the Governing Body met after a disaster.

Mary Feighny, Deputy City Attorney, stated reasonable notice of a meeting would be required as outlined in KOMA; however, the events of the emergency would have to be taken into consideration.

Councilmember Hiller stated a notification plan should be established so the Governing Body clearly understands the steps of communication so they could relay important information to

constituents after a disaster. She questioned if the media would be the best option to reach constituents. She expressed appreciation to staff for their work to date on the issue and stated she looks forward to continually providing emergency awareness to the community.

Jim Brown, Topeka Police Chief, stated a plan must be established that would meet the needs of elected officials while providing information to constituents as well as a location where elected officials could go for situational awareness and constant immediate updates separate from the command center.

DISCUSSION to provide an update on the Topeka Police Department was presented.

Jim Colson, City Manager, stated the Topeka Police Department has made great strides in department policies to better serve the citizens of Topeka.

Jim Brown, Topeka Police Chief, provided an update on the following:

Topeka Police Department Personnel

- Reduce command staff and sergeants as well as eliminate corporal positions by reclassifying all positions as field officers
- 2015 Academy includes plans to hire new officers as the Police Department is currently 39 officers short of authorized funded strength; the 2015 Academy will begin on July 6, 2015; and a shorter Academy will be offered for new TPD officers who are Kansas Law Enforcement Certified allowing for more officers on the streets in a shorter amount of time
- Two Community Policing Units were culminated on May 1, 2015, in east and west Topeka
- Leadership Development of officers include the FBI National Academy, International Association of Chiefs and Police Leadership in Police Organization Training, Kansas University Public Management Center Law Enforcement Leadership Academy, Washburn University Leadership Institute, Leadership Greater Topeka and Kansas Department of Revenue Leadership Course
- In December 2014, Emergency Management was placed under the auspices of the Topeka Police Department, personnel was increased and the Police Department is taking a new direction with EM and moving forward quickly toward becoming a strong presence in the area

Topeka Police Department Equipment

- The Police Department will add 30 new vehicles to their fleet
- The Police Department will deploy an additional 100 body worn cameras in 2015 and continue with the policy of mandatory wear for police officers

Topeka Police Department Awards

- Commission on Accreditation for Law Enforcement Agencies (CALEA) Award, DEA Task Force Officer of the Year, Motorcycle Regional Police Professional Driving Challenge Award, NOTO Appreciation Plaque and Kansas Association of Chiefs and Police Awards

Topeka Police Department Audits

- Property audit results have been shared with public for continued transparency. 2 issues were cited and resolved for seized narcotics and firearms
- All TPD policies were audited and now being revised to ensure TPD is working under industry best policies, practices and conditions

Mayor Wolgast commended Chief Brown for the presentation. He reported the Topeka Police Department has the highest percentage for use of body cameras on police officers in the state of Kansas.

Councilmember De La Isla stated she is impressed with the future plans of the Topeka Police Department including emergency management and commended them for their proactive approach of implementing body cameras.

Councilmember Schwartz stated she concurs with Councilmember De La Isla. She reported she would reference the 2014 Topeka Police Department Resource Allocation Study as they work through the 2016 City of Topeka Operating Budget process.

Councilmember Schumm congratulated the Topeka Police Department on receiving the Commission on Accreditation for Law Enforcement Agencies (CALEA) Reaccreditation award for the sixth consecutive year. He expressed the importance of maintaining exceptional departmental standards.

Councilmember Hiller commended Police Chief Brown and staff for being responsive to discussions held with the Governing Body and citizens and addressing policy issues within the department.

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

Brenda Younger, City Clerk, gave a brief overview of the June 9, 2015, Council agenda.

Jim Colson, City Manager, announced City Employee Appreciation Night at the Topeka Zoo would be held on June 11, 2015, from 5:00 p.m. to 8:30 p.m. and a Council Retreat is scheduled for June 6, 2015, at the Dillon House located at 404 SW 9th Street. He commended Mayor Wolgast on initiating the Council Retreat and drafting an agenda that tours locations in each Council district and noted Reggie Robinson, Director of Kansas University School of Public Affairs and Administration, would facilitate the discussion. He stated the retreat is open to the public and would comply with KOMA and KORA regulations.

Doug Gerber, Administrative and Financial Services Director, announced the public is invited to attend the Budget Committee meetings held at the Law Enforcement Center located at 320 S. Kansas Avenue on June 13, 2015, from 8:00 a.m. to 11:00 a.m.; June 17, 2015, from 6:00 p.m. to 9:00 p.m.; and June 23, 2015, from 6:00 p.m. to 9:00 p.m. He commended Water Pollution Control employees for their service over the Memorial Day weekend in dealing with high water issues. He also announced the City Water Department would provide a welcome pack to new Topeka water customers in an effort to welcome new residents and provide them with useful information about the community.

Mayor Wolgast announced a JEDO Board meeting is scheduled for June 3, 2015, at 6:00 p.m. in the City Council Chambers to discuss and take action on the contract with Garner Economics, L.L.C.

Councilmember Clear announced the next Concert in the Park is scheduled for June 15, 2015, at Garfield Park at 7:30 p.m. and the Sacred Heart-St. Joseph Parish 2015 Germanfest

would be held June 6-7, 2015 starting at 4:00 p.m. at the Sacred Heart-St. Joseph Parish Church located at 312 NE Freeman Avenue.

Councilmember Ortiz commended the City Water Department for providing a welcome pack to new Topeka water customers. She thanked Topeka Police Chief Jim Brown for attending Neighborhood Improvement Association meetings and facilitating discussions regarding police presence within the community.

Councilmember Schumm commented on the promotion ceremony recognizing 18 Topeka Police officers and their families on June 1, 2015, setting the foundation of future leaders in the department for the next 15 years.

Councilmember De La Isla commended Doug Whitacre, Public Works Director, for handling constituent issues. She congratulated the Topeka Police officers and their families on the recent promotions. She announced Coffee on Your Corner would be held June 10, 2015, from 10:00 a.m. to 11:00 a.m. at McDonalds located at 3117 SW Topeka Boulevard with discussion on the Neighborhood Health Map presented by Bill Fiander, Planning Director.

Councilmember Jensen announced College Hill would hold community-wide garage sales June 6, 2015.

Councilmember Schwartz stated she considers the Topeka Capitol Journal newspaper a community “gem”. She commended the City’s Human Resources Department for their efforts in improving employee wellness. She announced a public meeting would be held June 8, 2015, from 6:00 p.m. to 8:00 p.m. at the Wanamaker Woods Church of the Nazarene located at 3501 SW Wanamaker Road to address concerns and answers questions regarding special assessments in Lauren’s Bay subdivisions.

Councilmember Hiller commended volunteers at the Topeka Gives event sponsored by the Topeka Community Foundation on June 2, 2015. She expressed appreciation to the Topeka community for contributions made to support over 130 different organizations within the community. She suggested the Governing Body stay informed on the issues surrounding Amtrak and the Southwest Chief service. She announced the 2015 Mulvane Art Fair would take place on June 6 and 7, 2015, starting at 10:00 a.m. at the Mulvane Art Museum located at 1700 SW College Avenue. She also announced the Sunflower Music Festival Concerts would be held on June 5-13, 2015, at Washburn University's White Concert Hall.

Mayor Wolgast commented on the Topeka Gives event sponsored by the Topeka Community Foundation and stated the foundation would match donations at the event up to \$60,000.

Ted Mize, David Holl, Beverlee Schneider and Joseph Ledbetter appeared to speak under public comment.

Councilmember Harmon moved to recess into executive session for a time period not to exceed 15 minutes to discuss potential litigation and to include the Governing Body, City Manager, Administrative and Financial Services Director, Deputy City Attorney and staff and Topeka Police Chief. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

At 7:47 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Hiller moved to recess into executive session for a time period not to exceed 10 minutes to continue discussion on potential litigation and to include the Governing Body, City Manager, Administrative and Financial Services Director, Deputy City Attorney and staff and

Topeka Police Chief. The motion seconded by Councilmember Schumm carried unanimously.
(10-0-0)

At 7:57 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Hiller moved to add claim settlements submitted by Arthur Morris in the amount of \$40,000 and Jeanie Becerra in the amount of \$10,000 to the Council agenda. The motion seconded by Councilmember De la Isla carried unanimously. (10-0-0)

Councilmember Harmon moved to approve the claim settlement submitted by Arthur Morris in the amount of \$40,000 and the claim settlement submitted by Jeanie Becerra in the amount of \$10,000. The motion seconded by Councilmember Schumm carried unanimously. (10-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:15 p.m.

Brenda Younger
City Clerk