

Council Minutes – August 6, 2013

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 6, 2013. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Campos II, Ortiz, Everhart, De La Isla, Schwartz and Schmidt -7. Mayor Larry E. Wolgast presided -1. Absent: Councilmembers Manspeaker and Harmon -2.

AFTER THE MEETING was called to order, Pastor Jeremiah Metsinger, Knollwood Baptist Church gave the invocation.

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

Councilmember De La Isla moved to add a resolution granting a noise exception to Boss Hawg's to the consent agenda. The motion seconded by Councilmember Everhart carried unanimously. (7-0-0)

Councilmember Hiller moved to add a resolution approving a special event for Cruisin' the Capitol Car Show to the Council agenda. The motion seconded by Councilmember Campos II carried unanimously. (7-0-0)

Mayor Wolgast announced the resolution granting a noise exception to Boss Hawg's would be placed on the consent agenda as item 4H; and the resolution approving a special event for Cruisin' the Capitol Car Show would be placed on the Council agenda under New Business as item 5D.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Karel Ramsey to the Jayhawk Area Agency on Aging Board of Directors for a term ending December 31, 2013, was presented.

RESOLUTION NO. 8534 introduced by City Manager Jim Colson, granting various neighborhood organizations exceptions to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8535 introduced by Councilmember Karen Hiller, granting ESI LIVE, Inc., an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

APPROVAL of proposed settlement agreement in the amount of \$50,000 in Shawnee County Case No. 12-C-78, *Charles L. Griffin v. City of Topeka*, was presented.

APPROVAL of proposed settlement agreement in the amount of \$55,000 in the case of *Jo Monica Forrest v. City of Topeka*, Civil Action No. 13-CV-02081, was presented.

MINUTES of the regular meeting of July 23, 2013, were presented.

Open After Midnight License applications were presented for Flamingo Bar & Grill located at 2335 NW Clay Street and Riverfront Station located at 802 N. Kansas Avenue.

RESOLUTION NO. 8536 introduced by Councilmember Michelle De La Isla, granting Boss Hawg's an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

Councilmember Everhart moved to approve the consent agenda as amended. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

RESOLUTION NO. 8537 introduced by Councilmember Karen Hiller, approving a special event known as the Brews, BBQ and Blues Fest was presented.

Councilmember Hiller moved to approve the resolution. The motion seconded by Councilmember Schwartz carried unanimously. Mayor Wolgast voted "yes." (8-0-0)

APPROVAL of a two-year Labor Agreement between the City of Topeka and the Fraternal Order of Police Lodge No. 3 was presented. (*Contract No. 43071*)

Catherine Walter, Assistant City Attorney, reported the labor contract was mutually agreed upon by both parties. She stated the two-year labor agreement would be effective January 2014 through December 2015. She highlighted the following:

- In 2014, step increases will be provided, other than the top five steps in the pay matrix (those steps have the lowest percentage of increase between steps) with no adjustments to the overall pay matrix for Police Officers.
- The four Protective Services Officers receive a 2.5% increase to the pay matrix for 2014 only.
- In 2015, all bargaining unit members may receive a step increase based on years of service. There are no adjustments to the pay matrix in 2015. The shift differential pay will increase ten (10) cents and an advanced education incentive pay will commence as follows: \$25 per month for Associate's Degree; \$50 per month for Bachelor's Degree; or \$60 per month for Master's Degree.
- The drug screening provision was revised to be consistent with guidelines established by the Substance Abuse and Mental Health Services Administration. (SAMHSA).
- Developed a more streamlined process for tracking required court appearances while off-duty.

Councilmember Everhart moved to approve the labor agreement. The motion seconded by Councilmember Ortiz carried. Mayor Wolgast voted "yes." Councilmember Schwartz voted "no." (7-1-0)

A Retail Cereal Malt Beverage License application for MHL, L.L.C., dba Topeka Quick Stop located at 1020 NW Topeka Boulevard, was presented.

Councilmember Hiller moved to approve the retail cereal malt beverage license application as presented. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Wolgast voted "yes." (8-0-0)

RESOLUTION NO. 8538 introduced by Councilmember Karen Hiller, approving a special event known as the "Cruisin' the Capitol" Car Show was presented.

Councilmember Hiller reported the City Attorney's office has determined that an ordinance is not necessary when approving designated barricaded areas for the possession and consumption of alcohol; therefore, a resolution simplifies the procedure by taking less time to process.

Councilmember Hiller moved to approve the resolution. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted "yes." (8-0-0)

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

Jim Colson, City Manager, commended those involved in the successful negotiation of the Fraternal Order of Police Labor Agreement. He stated City staff members continue to demonstrate respect and he is proud to serve as Topeka's City Manager. He noted he looks forward to the City becoming a more effective and efficient organization in its day-to-day operations.

Councilmember Schwartz distributed handouts relating to the Kansas Open Meetings Act and Kansas Open Records Act she received at a recent training session she attended hosted by the State of Kansas Attorney General's office. She encouraged Councilmembers to review the information.

Councilmember Hiller expressed appreciation to the Topeka Police Department Management Team and Fraternal Order of Police Lodge No. 3 members for conducting productive labor negotiations. She encouraged the community to participate in the National Night Out Against Crime events happening in various neighborhoods throughout the city on August 10, 2013.

Councilmember Campos II expressed his gratitude to the City Manager, Legal Department staff, Fraternal Order of Police Lodge No. 3 members and Police Chief Ron Miller for successful labor negotiations. He encouraged the community to attend the Oakland National Night Out Against Crime event on August 10, 2013.

Councilmember Ortiz announced citizens could contact the Safe Streets Organization for a complete listing of the various neighborhoods participating in the National Night Out Against Crime event on August 10, 2013. She stated it is a great community event that helps spread crime prevention awareness and reduce crime. She announced Topeka Public School students will begin school on August 13, 2013, and urged citizens to slow down and remain watchful of students.

Ronald Miller, Police Chief, announced National Night Out Against Crime is a nationwide event that Topeka has won awards for community participation and attendance. He invited the community to attend the National Night Out Against Crime kickoff event on August 9, 2013, from 5:00 p.m. to 7:00 p.m. hosted by 94.5 Country and AM580 Radio located at 1210 SW Executive Drive.

Councilmember Everhart reported she received a petition from area residents regarding a vacant convenience store and carwash located at SE 29th and Minnesota Streets, requesting the City of Topeka take action to require the owner to demolish the building. She requested the petition and pictures of the structure be filed in the office of the City Clerk.

Councilmember De La Isla reported Hi-Crest Neighborhood Improvement Association (NIA) meets the last Thursday of each month. She announced the Knollwood NIA and Likins-Foster NIA are now active and the Likins-Foster NIA will meet August 26, 2013, at 7:00 p.m. at Honeyman Auto located at 819 SW Croix Street. She commended the City Manager, City staff

members and Fraternal Order of Police Lodge No. 3 members for the positive outcome of the labor agreement under tight budget constraints.

Mayor Wolgast commended Councilmember Schwartz for distributing the Kansas Open Meetings Act and Kansas Open Records Act handouts. He thanked Councilmember Campos II for organizing Movies in the Neighborhood events and stated he looks forward to hearing more information about the events.

Maryanna Quilty and Joseph Ledbetter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:37 p.m.

Brenda Younger
City Clerk