

Council Minutes – August 16, 2016

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 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, Emerson, De La Isla, Jensen, Schwartz, Coen and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Doyle Pryor, New Hope First Baptist Church Pastor gave the invocation.

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

A PRESENTATION on the City's 2nd Quarter Financial Report was given by Brandon Kauffman, Finance Department Director.

Councilmember Emerson asked if the line items under Commodities were available online or if the information could be distributed to the Governing Body.

Brandon Kauffman stated he would provide the information to the Governing Body.

A PRESENTATION on the Public Works and Utilities Update was given by Doug Gerber, Deputy City Manager and Jason Peeks, Public Works Department Director.

Councilmember Ortiz requested contractors communicate progress on projects to nearby neighbors.

Councilmember Clear moved to add a resolution granting a noise exception to the Brass Rail Tavern to the consent agenda.

Upon hearing no objections, Mayor Wolgast announced the resolution would be added to the Council agenda under the consent agenda as item 4G.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Arnold Downing Sr., to the Juvenile Corrections Advisory Board for a term ending August 17, 2019, was presented.

BOARD APPOINTMENT recommending the reappointment of Doug Snook to the Board of Plumbing Examiners for a term ending August 17, 2018, was presented.

BOARD APPOINTMENT recommending the reappointment of Doug Hubbell to the Board of Plumbing Examiners for a term ending September 1, 2018, was presented.

RESOLUTION NO. 8800 introduced by City Manager Jim Colson, authorizing the serving of complimentary alcoholic liquor or cereal malt beverage for the First Friday Art Walk events to be held at various businesses as sponsored by ArtsConnect, Inc., from October 2016 to October 2017, was presented.

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

RESOLUTION NO. 8801 introduced by Councilmember Sandra Clear, granting the Brass Rail Tavern an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

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

RESOLUTION NO. 8798 introduced by City Manager Jim Colson, authorizing and directing the issuance of Temporary Notes, Series 2016-A (General Improvements) of the City of Topeka, Kansas, in the aggregate principal amount of \$31,495,000 for the purpose of providing funds to pay the cost of (i) renewing a portion of the Series 2015-A Temporary Notes of said City, dated September 15, 2015, and (ii) pay a portion of the cost of certain improvement of said City was presented.

Brandon Kauffman, Finance Department Director, gave the staff report. He stated the City received an interest rate of 0.7121% from J.P. Morgan Securities, L.L.C., for Temporary Notes Series 2016-A; and an interest rate of 1.9233% from Robert W. Baird & Co. for General Obligation Bonds, Series 2016-B.

Councilmember Schwartz stated she would abstain from voting because she serves as board trustee for Kay's Asian Garden at the Topeka Zoo, a project included in the projects to be financed by Temporary Notes.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Harmon carried. Mayor Wolgast voted "yes." Councilmember Schwartz abstained. (9-0-1)

ORDINANCE NO. 20017 introduced by City Manager Jim Colson, authorizing the issuance of \$22,705,000 aggregate principal amount of General Obligation Bonds, Series 2016-B of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 12-6a01 et seq., and Charter Ordinance No. 89 of the City, all as amended was presented.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted "yes." (10-0-0)

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

RESOLUTION NO. 8799 introduced by City Manager Jim Colson, prescribing the form and details of General Obligation Bonds, Series 2016-B of the City of Topeka, Kansas, in the aggregate principal amount of \$22,705,000 the issuance of which were authorized by the City pursuant to its ordinance adopted and approved August 16, 2016; and authorizing certain other documents and action in connection with the issuance of the bonds was presented.

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

RESOLUTION NO. 8802 introduced by City Manager Jim Colson, setting the public hearing to consider the advisability of establishing a Community Improvement District (CID) for the Cyrus Hotel at 912-920 South Kansas Avenue, as more specifically described herein was presented.

Brandon Kauffman, Finance Department Director, reported approval would set a public hearing date of September 6, 2016, to consider the advisability of creating a Cyrus Hotel Community Improvement District (CID) in the 900 block of S. Kansas Avenue.

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

ORDINANCE NO. 20018 introduced by City Manager Jim Colson, annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, located at 6626 SW Huntoon Street, within unincorporated Shawnee County, Kansas, and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes, was presented. (A16/1)

Bill Fiander, Planning Department Director, reported staff recommends approval of the request to annex a 0.82 acre tract located at 6626 SW Huntoon Street.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Clear carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

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

APPROVAL of a Joint Memorandum of Agreement concerning group healthcare costs sharing with the labor unions was presented. (Contract No. 45327)

Jacque Russell, Human Resources Department Director, reported approval of the three-year agreement would set forth the cost sharing formula for the City and individual employee contributions.

Councilmember Hiller moved to approve the Joint Memorandum of Agreement. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.”
(10-0-0)

RESOLUTION NO. 8803 introduced by City Manager Jim Colson, expressing the property taxation policy of the City of Topeka Governing Body with respect to financing the annual budget of 2017 was presented.

Nickie Lee, Budget and Performance Manager, reported approval would foster transparency in accordance with the intent of K.S.A. 79-2925b requiring approval of a municipality’s budget that is funded by property taxes where the revenue exceeds the preceding year as adjusted by the consumer price index and certain exemptions. She noted this has not been necessary for the last two budget cycles (2014-2016).

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

ORDINANCE NO. 20019 introduced by City Manager Jim Colson, approving and adopting the operating budget for calendar year 2017 and appropriating the amounts for the purpose set forth therein was presented.

Deputy Mayor De La Isla stated the Budget Committee Report outlining the budget amendments approved by the Committee of the Whole on July 5, 2016, were included in the proposed ordinance.

Councilmember De La Isla moved to adopt the ordinance. The motion was seconded by Councilmember Jensen.

Joseph Ledbetter expressed concern with the need of increased and improved property code enforcement throughout the entire city and how it effects overall economic development.

Teresa Miller asked the Governing Body to implement member term limits; spoke in support of increasing the pay of Governing Body members by 1%-2%; and the need for improvements on NE Tyler Street for the safety of pedestrians and motorist. She asked the Governing Body to consider including the Curtis Cemetery as part of the historic Pappan's Ferry Crossing.

The motion to adopt the ordinance carried. Councilmembers Ortiz and Harmon voted "no." Mayor Wolgast voted "yes." (8-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Emerson, De La Isla, Jensen, Schwartz, Coen and Mayor Wolgast -8. Noes: Ortiz and Harmon -2.

Councilmember Hiller reported the Governing Body must adopt an ordinary ordinance before the pay increase for Governing Body members would go into effect.

DISCUSSION on the status of the Dangerous Dog and Merchant Guard Ordinances was presented.

Councilmember Ortiz reported the Public Health & Safety Committee has not yet reached a point at which it can make recommendations in accordance with Topeka City Council Rules and Procedure Section 8.5(c). She stated the Committee would continue to discuss the dangerous dog ordinance on September 1, 2016; and they would schedule a committee meeting to discuss the Merchant Guard Ordinance in the near future.

Joseph Ledbetter expressed concern with large dogs and their potential danger to children; continued acceptance of pack behavior displayed by large dogs throughout the city; and the need to euthanize dogs when necessary.

DISCUSSION summarizing the findings of the Topeka Fire Department organizational assessment and recommendations of future actions was presented.

Jim Colson, City Manager, reported Interim Fire Chief Tim Wayne would provide the results of a comprehensive study conducted on the Topeka Fire Department.

Tim Wayne, Interim Fire Chief, reported on the following five key focus areas:

1. Provide department leadership that restores confidence based on operational competence, integrity and fairness.
2. Review and outline a plan to achieve department accreditation.
3. Review operational readiness and resource allocation, including a deep dive into training, promotions, overtime, call back and reporting.
4. Work with appropriate parties to outline a plan to transition to a community medicine approach with specific focus on transition from Basic Life Support (BLS) to Advanced Life Support (ALS).
5. Work to develop a strategic plan with specific goals, objectives, service improvement recommendations and performance standards.

Governing Body members asked the following questions:

- 1.) Is the Fire Department employee survey results addressed in the report?
- 2.) How long will it take for the Topeka Fire Department to receive accreditation; was Topeka Police Chief James Brown consulted during the process; how many Fire Department employees were involved in the process; and are the industry standards reasonable for the City of Topeka Fire Department to achieve accreditation?
- 3.) How many Fire Department employees have received certifications over the past six months?
- 4.) If Chief Wayne supports seniority based promotions?
- 5.) How will the Department address report findings and observations as they move into the future?
- 6.) Do they anticipate continued improvement in response times?
- 7.) Are there different Advanced Life Support (ALS) programs to consider?
- 8.) Are overall deficiencies and gaps being addressed including in technology?
- 9.) In reference to 75% of the calls received by the Fire Department being medical related, is the Fire Department consulting with national and state emergency medical training (EMT) agencies on a regular basis to determine the best plan in moving the EMT

component forward; and is it necessary to dispatch fire apparatus vehicles to routine emergency calls?

In response, Chief Wayne addressed the following:

- 1.) The employee survey results were not addressed in the report. He stated the survey reflected a 50% approval rate of approximately 109 Fire Department employees that participated in the survey.
- 2.) The Department is in the conceptual stages of the accreditation process and it will take three to five years to complete. Assistance was provided by two to four employees and Police Chief Brown was consulted on a regular basis.
- 3.) Approximately 15 employees have received certifications over the past six months.
- 4.) He would not support or encourage promotions based on seniority only. He reported new generation fire fighters understand the importance of education and certifications and this should be the dominating factors in promotions.
- 5.) They anticipate response time will continue to improve; they continue to review other ALS programs and will work to find the best fit for Topeka; and yes they will continue to address the technology industry gap through the newly implemented programming system.

Jim Colson reported the Fire Department would continue to build on the work that has begun over the past six months and they are in the process of developing a plan to change how the City of Topeka Fire Department conducts business. He noted the decision to transition from BLS to ALS has been developing over the past two years including extensive discussion with many area agencies.

Mayor Wolgast thanked Fire Chief Wayne for his honesty and informing the Governing Body of the needs of the Topeka Fire Department.

Councilmember Ortiz thanked Fire Chief Wayne for his service and improving the morale in the Fire Department.

Councilmember Jensen thanked Fire Chief Wayne for his work on the report which will provide a foundation to make crucial changes within the department.

Councilmember Schwartz expressed her appreciation to Fire Chief Wayne for trying to make things work within the department. She questioned the lack of diversity in the department and the need to address the issue.

Tim Wayne reported the overall diversity of the department was poor. He stated improvements need to be made by increasing outreach activities in relation to the hiring process as well as improving promotional processes.

Jim Colson stated it can be difficult and challenging to reach the minority population; however, they will continue to work towards developing and supporting a more diverse Fire Department.

Councilmember De La Isla commended Fire Chief Wayne for his service to the community. She suggested implementing a pre-training program to prepare females for what is expected as well as an early training program for high school students.

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

Jim Colson, City Manager, announced the Metropolitan Topeka Planning Organization Futures 2040 Topeka Regional Transportation Plan Open House events are scheduled for August 18, 2016, from 12:00 p.m. to 2:00 p.m. and 5:30 p.m. to 7:30 p.m. at the Topeka-Shawnee County Public Library located at 1515 SW 10th Avenue, Marvin Auditorium, Room 101B. He commended Topeka Fire Chief Tim Wayne for his service to the community and focusing on the key areas within the Topeka Fire Department as directed as well as creating a level of trust and a foundation of communication.

Mayor Wolgast thanked staff for the excellent work on the 2017 budget process. He also thanked Deputy Mayor De La Isla for her leadership role in building the Topeka Rescue Mission Children's Palace.

Councilmember Jensen announced the Ronald McDonald House fundraiser "Denim to Diamonds" event would be held August 20, 2016, at the Ramada Downtown Hotel.

Councilmember Schwartz stated this week's "gem" of Topeka is the Topeka school system.

Councilmember Coen invited the community to the new Midwest Aquatic Center located at SW 21st Street and SW Urish Road.

Councilmember Hiller encouraged everyone to participate in the Topeka-Shawnee County Holistic Economic Development Strategy survey at www.topekashawneecountystrategy.com to evaluate different elements of the community's competitiveness and attractiveness as a place to live, work and do business. She thanked Topeka Fire Chief Tim Wayne for his service to the community.

Councilmember Clear announced the North Topeka Fall Parade would be held October 8, 2016, in North Topeka; the Holliday Junior High School Alumni Reunion would be held September 17, 2016; and the National Park Service would hold a Community Open House on August 22, 2016, at the Great Overland Station from 6:30 p.m. to 7:30 p.m. for public input on the historic Pappan's Ferry Crossing.

Councilmember Ortiz reminded drivers to be aware of students walking to and from school. She thanked City staff for a good budget process.

Councilmember Emerson thanked the contractors for working diligently to get SE 37th Street reopened.

Councilmember De La Isla thanked Topeka Fire Chief Tim Wayne for his service to the community. She encouraged everyone to participate in building the Children's' Palace at the Topeka Rescue Mission. She thanked Nickie Lee, Budget Manager, for her professionalism during the budget process and governing body members for their collation on the budget. She announced the City of Topeka Municipal Government won the #PiKAWchu Showdown championship trophy against the City of Lawrence Municipal Government on July 29, 2016.

Joseph Ledbetter appeared to speak under public comment.

Councilmember Ortiz moved to recess into executive session for a time period not to exceed 20 minutes to discuss non-elected personnel matters and to include the Governing Body and City Manager. The motion seconded by Councilmember Coen carried. Councilmember Clear did not vote. Mayor Wolgast voted “yes.” (9-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:54 p.m.

Brenda Younger
City Clerk