

## **Council Minutes – June 19, 2012**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 19, 2012. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcala, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray and Harmon -9. Mayor William W. Bunten presided -1.

AFTER THE MEETING was called to order, Councilmember Alcala 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 re-appointment of Robin Jennison to the Topeka/Shawnee County Riverfront Authority Board for a term ending June 30, 2015 was presented.

MINUTES of the regular meeting of June 12, 2012 were presented.

Councilmember Ortiz moved to approve the consent agenda. The motion seconded by Councilmember Gray carried unanimously. (9-0-0)

ORDINANCE NO. 19740 introduced by Interim City Manager Pamela S. Simecka, amending City of Topeka Code Section 8.35.070 concerning fireworks and specifically repealing said original section placed on first reading June 12, 2012 was again presented.

Pamela S. Simecka, Interim City Manager gave the staff report.

Councilmember Gray asked why the ordinance is being amended.

Greg Bailey, Topeka Fire Chief reported the use of metal sparklers within city limits had been banned for years and when the ordinance was amended in 2011 the use of metal sparklers

were inadvertently legalized. He stated metal sparklers are dangerous and can conduct heat that reaches up to 1,200 degrees.

Anje Kearney spoke in opposition of metal sparklers being outlawed in city limits and stated she believes fireworks should be the responsibility of the consumer and the government should not micromanage citizens.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Everhart carried. Councilmembers Alcala, Manspeaker, Gray and Harmon voted “no.” (5-4-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Everhart, Wolgast and Archer -5. Noes: Alcala, Manspeaker, Gray and Harmon -4.

APPROVAL of a three-year Labor Agreement between the City of Topeka and AFT Kansas, Local No. 6406 (formerly KAPE) was presented. (*Contract No. 42197*)

Pamela S. Simecka, Interim City Manager gave the staff report.

Councilmember Everhart moved to approve the labor agreement. The motion was seconded by Councilmember Manspeaker.

Councilmember Hiller stated all City departments will be able to absorb the cost increases with the exception of the Police Department because they have exceeded their 2012 budget. She asked how the Police Department would cover the costs in 2012 and if the salary increases have been figured into the 2013 budget projections.

Pamela S. Simecka stated the Council would need to direct her to allow the cost increase for salaries to be absorbed in the Police Department’s 2012 budget. She reported the cost of salary increases would be included in the Police Department’s 2013 proposed budget if the Council approves the labor agreement.

Councilmember Everhart stated the labor agreement has already been delayed in order to revise the agreement to reduce proposed salary increases. She encouraged the Council to support the contract at this time, and deal with Police Department budget funding issues at next week's Council work session.

The motion to approve the labor agreement carried. Councilmembers Archer and Gray voted "no." Mayor Bunten voted "yes." (8-2-0)

ORDINANCE NO. 19741 introduced by Interim City Manager Pamela S. Simecka, allowing and approving City expenditures for the period of May 12, 2012 through May 25, 2012, and enumerating said expenditures therein was presented for first and final reading.

Pamela S. Simecka, Interim City Manager gave the staff report.

Councilmember Gray moved to adopt the ordinance. The motion seconded by Councilmember Wolgast carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Everhart, Wolgast, Manspecker, Archer, Gray and Harmon -9.

A PROJECT BUDGET in the amount of \$3,667,600 and RESOLUTION NO. 8437 introduced by Interim City Manager Pamela S. Simecka, authorizing Improvement Project No. T-131023.00 for the new Fire Station No. 13 to be built at SW 6<sup>th</sup> Avenue as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented.

Pamela S. Simecka, Interim City Manager gave the staff report.

Councilmember Alcalá moved to approve the project budget and resolution. The motion was seconded by Councilmember Gray.

Councilmember Manspecker questioned how the new Fire Station No. 13 would be staffed if a new fire station will also be completed in South Topeka.

Pamela S. Simecka reported staff would be shifted from other fire stations; however, she is not sure it would be possible in 2013. She stated she believes there would not be enough personnel available to staff both new fire stations and noted the South Topeka fire station would not be completed until 2016.

Councilmember Manspeaker stated he believes Fire Department personnel would be spread too thin to accommodate both new fire stations.

Greg Bailey, Fire Chief stated there were no new personnel positions requested in the Fire Department's 2013 budget; therefore, the shifting of personnel would more than likely have to occur to staff Fire Station No. 13; and in regards to the new South Topeka fire station, he would have to determine how the shifting of personnel would impact the Insurance Services Office (ISO) rating before committing to moving resources, as well as, considering several factors in trying to fill the vacancies. He reported the Fire Department just improved their rating in the ISO Audit which could potentially provide significant savings for commercial and residential customers. He stated in his opinion, there is no feasible way he could staff two new fire stations with existing personnel.

Councilmember Harmon referenced the 2006 Fire and Rescue Services Facility Deployment Study and discussed the executive summary which identified service gaps and significant service overlaps in the City which led to the suggestion of relocating Fire Station No. 3 personnel to new Fire Station No. 13. He noted the study would be available for the Council's review in the Council office and requested the study be posted online for the public to access.

Councilmember Ortiz expressed concern with Fire Department personnel already being spread too thin and the poor condition of Fire Department facilities. She stated she supports the construction of a new fire station in Council District No. 9 because the area has needed one for

years; however, fire response times must be considered when making personnel decisions for the new fire stations.

Councilmember Gray asked what the Fire Department’s current response time is for the proposed fire station location in Council District No. 9.

Grey Bailey stated the response time varies depending on if fire companies are already located in the general area. He reported a number of variables have changed since the study was conducted in 2006, and by 2014, the City would need to seriously review all variables outlined in the study.

Councilmember Wolgast asked how many firefighters would be needed to staff Fire Station No. 13; how long would it take to train them; and how many vacant positions does the Fire Department have at this time.

Greg Bailey reported it takes a minimum of 12 employees to staff a fire station; training takes approximately six weeks to complete; and there are no vacant positions within the Fire Department at this time.

The motion to approve the project budget and resolution carried unanimously. (9-0-0)

Retail Cereal Malt Beverage License applications were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
29 <sup>th</sup> Quick Stop	3101 SW 29 <sup>th</sup> Street
Seabrook Apple Market	1945 SW Gage Boulevard
Super Store	2121 SW Wanamaker Road

Councilmember Ortiz moved to approve the Retail Cereal Malt Beverage License applications as presented. The motion seconded by Councilmember Everhart carried unanimously. Mayor Buntten voted “yes.” (10-0-0)

ORDINANCE NO. 19742 introduced by Interim City Manager Daniel R. Stanley, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section

18.50.050 of the Topeka Municipal Code by providing for certain changes in zoning on property located south of SW 6<sup>th</sup> Avenue along the west, south and southeast sides of the cul-de-sac of SW Governor View from “O&I-1” Office and Institutional District TO “PUD” Planning Unit Development District (“O&I-2” Office and Institutional District use group) placed on first reading May 15, 2012 was again presented. The ordinance was remanded back to the Planning Commission from the meeting of May 22, 2012. (*PUD12/3*)

Pamela S. Simecka, Interim City Manager gave the staff report.

Mayor Bunten reported after speaking to the applicant he would support the zoning change request because the sign would be an appropriate size for the area and displayed in a professional manner. He welcomed Rasmussen College to the City.

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

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Bunten -10.

AN ORDINANCE introduced by Councilmember John Alcalá authorizing the sale, consumption and possession of alcoholic liquor as part of the 2012 Fiesta Mexicana at specified locations and times for a special event pursuant to K.S.A. 41-719(a)(2) and K.S.A. 41-2645(e)(1) was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcalá authorizing the sale, consumption and possession of alcoholic liquor as part of the Fiesta Mexicana Parade and Street Party at specified locations and times for a special event pursuant to K.S.A. 41-719(a)(2) and K.S.A. 41-2645(e)(1) was presented for first reading.

AN ORDINANCE introduced by Interim City Manager Pamela S. Simecka, authorizing Improvement Project No. T-291017.01 for emergency backup power for Shunga Pump Station, Phase 2, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the cost of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof was presented for first reading.

AN ORDINANCE introduced by Interim City Manager Pamela S. Simecka, authorizing Improvement Project No. T-281049.00 for improvements to the South Topeka water system, approving cost estimates of the proposed improvements and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the cost of the project which further constitutes a general improvement to the City's sanitary and/or stormwater

and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof was presented for first reading.

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

Pamela S. Simecka, Interim City Manager announced that a work session has been scheduled on June 26, 2012 at 5:15 p.m. to discuss the Police Department Budget and Chief Ron Miller would be present for questions.

Councilmember Hiller commended Washburn University and the many volunteers for hosting the Sunflower Music Festival which offered nine days of music concerts free of charge to the public. She congratulated the 31 Topeka cyclists that participated in the Bike Across Kansas event, as well as, the two Topeka teams that participated in the National Bike Challenge event.

Councilmember Alcalá requested the City Manager interviews be conducted in an open public forum to allow citizens to be involved in the hiring process and noted he would not support conducting the interviews in executive session on June 23, 2012.

Councilmember Ortiz announced that a Child Wellness Fair would be conducted at Topeka West High School on June 23, 2012 at 10:30 a.m. She commented on the importance of keeping the Jackson Spray Park operational for the community.

Councilmember Gray stated he would be working with Councilmember Manspeaker to update obsolete or outdated City ordinances.



Councilmember Harmon thanked the Council for approving the construction of Fire Station No. 13 and the Sisters of Charity for donating the land. He stated he believes the new fire station would be beneficial to all Topeka citizens.

Mayor Bunten commented on where he believes the City Council should be leading the City. He stated it is important for them to reach an agreement regarding a plan to repair the City's water infrastructure, as well as, revitalize downtown. He briefly discussed a proposal he drafted for the Kansas Avenue revitalization project and stated he would like to present the proposal to the Council for review.

Patrick Mullin appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:02 p.m.

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Brenda Younger  
City Clerk