

Special Governing Body Meeting Minutes – June 16, 2018

LAW ENFORCEMENT CENTER, Topeka, Kansas, Saturday, June 16, 2018. The Governing Body members of the City of Topeka met in special session at 9:00 A.M., with the following Councilmembers present: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen and Lesser -9. Mayor De La Isla presided -1.

AFTER THE MEETING was called to order, Mayor De La Isla asked for a moment of silent meditation in honor of the police officers recently lost in the line of duty in Wyandotte County, Kansas.

Mayor De La Isla announced that Chris Schultz was present and would like to provide his comments to the Governing Body before they recess into executive session. Upon hearing no objections, Mayor De La Isla asked Mr. Schultz to provide his comments.

Chris Schultz thanked the Governing Body for allowing him to speak to the matter. He stated he has received an overwhelming response from the community in support of his stance on the issue. He reported his family has been dealing with the issue over the past four years and he hopes it could be resolved as quickly as possible.

Lisa Robertson, City Attorney, requested the Governing Body recess into executive session for a period of time not to exceed 20 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters related to potential litigation, as justified by KSA 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Governing Body Members, City Manager Brent Trout, Financial and Administrative Services Director Nickie Lee, Public Works Director Jason Peek, Chief of Litigation Shelly Starr, Associate City Attorney Nick Jefferson and City Attorney Lisa Robertson. She stated it was anticipated that action would be taken when the open meeting resumes.

Councilmember Coen moved to recess into executive session as stated by the City Attorney. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

Following a 20 minute time period, the Governing Body reconvened into open session and Mayor De La Isla announced that no action had been taken; however, they would need an additional 20 minutes to continue discussion on the matter.

Councilmember Jensen moved to recess into executive session for a time period not to exceed 20 minutes to continue the discussion on attorney-client privileged matters related to potential litigation, as justified by KSA 75-4319(b)(2) and include the same individuals . The motion seconded by Councilmember Padilla carried unanimously. (10-0-0)

Following a 20 minute time period, the Governing Body reconvened into open session and Mayor De La Isla announced that no action was taken.

DENIAL of a Tort Claim submitted by attorney Vernon Jarboe, on behalf of Chris Schultz and Schultz Development, LLC, for \$116,000 for alleged damages related to water infiltration at 909 and 911 S. Kansas Avenue, was presented. The item was deferred from the Governing Body meeting of June 12, 2018.

Councilmember Clear moved to approve the denial of a Tort Claim submitted by attorney Vernon Jarboe, on behalf of Chris Schultz and Schultz Development, LLC, for \$116,000 for alleged damages related to water infiltration at 909 and 911 S. Kansas Avenue. The motion was seconded by Councilmember Coen.

Councilmember Ortiz stated the Governing Body understands the seriousness of the issue; however, they have spent a lot of time deliberating on the issue and they do not take the decision lightly.

Councilmember Jensen stated he understands the seriousness of the issue; however, he remains concerned with how the process was handled by the claimant. He noted that the Governing Body was a policy making body and the matter should be handled through the judicial process.

Mayor De La Isla commended staff for providing the information and guidance needed to make an informed decision. She expressed her appreciation to the claimant for providing comments; however, the matter should be handled through the judicial system.

Councilmember Hiller expressed appreciation to the Governing Body and staff for their work on the issue. She reported there are many individuals involved in the matter and the tort claim was just one step in the legal process.

The motion to deny the tort claim carried unanimously. 10-0-0

DISCUSSION on the proposed 2019 Operating Budget was presented.

Brent Trout, City Manager, stated they would begin the process of presenting the 2019 Operating Budget for consideration by the Governing Body. He reported staff would outline the changes to the budget since the initial one-on-one meetings with members of the Governing Body and provide an overview of the revenues available. He provided an overview of the role of the Governing Body as it relates to budget approval including setting the maximum taxes levied and budget amendment procedure. He requested Governing Body members submit amendments by June 28, 2018, to allow time for staff to process the proposals for consideration at the July 3, 2018, Governing Body meeting, and finalizing the budget in August.

Nick Hawkins, Budget and Performance Manager, provided an overview of the timeline scheduled for budget deliberations and noted he would provide overall budget highlights, department and other fund summaries.

Councilmember Jensen commented on the implementation of the wellness clinic and the difference it has made on health care costs for the City. He asked the City Manager to comment on the efficiencies in operations (balance of quality vs. quantity) and how he plans to work through those efficiency processes in regards to the 2019 budget.

Brent Trout reported a number of items are considered and staff continues to work with calculated data to improve operations and analyze best processes. He stated as they move forward staff will be looking at projects relevant to customer service and from that, he will be utilizing the Rapid Process Improvement System which evaluates each step of a process and determine if each step was necessary.

Nick Hawkins provided an overview of the City Council Department budget.

Councilmember Emerson questioned the transfer of funds in the amount of \$6,000 from internal service fees to office supplies and equipment.

Councilmember Coen reported the reduction was based on a detailed equipment inventory of Information Technology equipment being used by the Council Office.

Councilmember Emerson asked for justification on if the \$6,000 was needed in the Office Supplies and Equipment fund and expressed concern with encouraging overspending.

Mayor De La Isla and Councilmember Hiller inquired on the amount of funds in the training budget.

Nick Hawkins stated he would research the amount and report back to the Governing Body.

Nick Hawkins provided an overview of the Executive Department budget. He reported the Emergency Management Division was transferred from the Police Department to the Executive Department; and the proposed budget reflects a funding contribution to the newly created Fleet Replacement Fund.

Brent Trout, City Manager, reported that he made the decision to move Emergency Management under the direction of the City Manager's office for the purpose of utilizing their services to accommodate the needs of other departments for emergency management preparation. He stated he would make a determination if there was a need for the Senior Executive Aid position by the end of the year and if so the position would be filled in 2019.

Councilmember Hiller asked for clarification on the increase to the City Clerk Budget Contractual Services fund in the amount of \$51,000.

Brenda Younger, City Clerk, reported the increase in funding would cover the cost of recodification services which will provide a full legal review of the Topeka Municipal Code as well as routine codification services.

Nick Hawkins provided an overview of the Fire Department budget.

Councilmember Clear questioned the funding earmarked for training under contractual services.

Councilmember Ortiz asked if the vehicle replacement program was on schedule.

Nick Hawkins reported an outside vendor must provide training for EMS and one to two fire truck apparatus are replaced annually on a 15-year cycle.

Craig Duke, Topeka Fire Chief, reported the replacement of fire truck apparatus was on schedule.

Nick Hawkins provided an overview of the Human Resources Department budget.

Councilmember Ortiz stated she would oppose reducing the Topeka Way To Work program funding by \$5,000. She stated they could not hire more kids with less funding. She asked if the City has considered partnering with Shawnee County to enhance the program.

Councilmember Clear spoke in support of the reduction in funds and noted the funding was not utilized last year.

Councilmember Lesser spoke in support of expanding the program to include more participants to help support a skilled workforce in the future for the City of Topeka. He referenced the youth program implemented by the City of Wichita, Kansas, Fire Department and noted they allow young adults to observe with no wage compensation to get kids interested in a career path.

Mayor De La Isla suggested using the \$5,000 as seed money to participate in the Top City Intern Program with other organizations. She stated it was crucial that the program teach high school students soft skills that they can use now and in the future.

Councilmember Jensen stated he would support partnering with other organizations that already provide successful intern programs.

Councilmember Hiller reported there continues to be a lot of movement in the community to address youth employment; therefore, she would suggest keeping the funding at the same level until it was determined how to best utilize the funds.

Brent Trout stated the City continues to work to find a constructive program that will be beneficial to young adults and effective for the City.

Councilmember Mays asked staff to retain the \$5,000 in the Topeka Way To Work program fund and find another source of funding if the reduction was necessary.

Jacque Russell, Human Resources Director, reported it was the City's goal to create meaningful partnerships with organizations so students have the opportunity to be employed throughout the community. She reported they are also exploring grant opportunities and working

with schools to better understand student interests as well as work around those students who must attend summer school.

Councilmember Jensen suggested the Economic and Community Development Committee work on feasible community partnerships for the program.

Councilmember Lesser questioned the expenses related to the third party administrator listed in the Work Comp fund.

Nick Hawkins stated he would report back to the Governing Body on the expenses.

Nick Hawkins provided an overview of the Information Technology Department, Legal Department, Municipal Court, Department of Neighborhood Relations and Planning Department budgets.

Councilmember Lesser requested a review of the City's insurance schedule.

Jacque Russell, Human Resources Department, stated she would provide the Governing Body the requested information.

Councilmember Ortiz asked if Municipal Court and the Legal Department have the tools necessary to accommodate e-filing requirements by the State of Kansas.

Lori Dougherty-Bichsel, Municipal Court Judge, reported they are not required to implement or use the e-filing system; therefore, it would not have an effect on the department budget.

Lisa Robertson, City Attorney, stated e-filing would not have an effect on the Legal Department's budget.

Councilmember Hiller asked for a financial breakdown of the \$300,000 allocated for demolition services outlined in the Department of Neighborhood Relations budget.

Nick Hawkins reported he would provide a full breakdown of the \$300,000 at the next budget discussion on June 19, 2018.

Brent Trout requested Governing Body members send budget questions to him as soon as possible to allow staff sufficient time to provide answers prior to the July 3, 2018, Governing Body meeting.

Governing Body members thanked staff for the new format of the budget highlighting the funding changes to each department budget.

NO FURTHER BUSINESS appearing the meeting was adjourned at 12:00 p.m.

Brenda Younger
City Clerk