

Governing Body Minutes – May 14, 2019

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, May 14, 2019. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Hiller, Ortiz, Emerson, Padilla, Jensen, Mays, Coen and Lesser -8. Deputy Mayor Clear presided -1. Absent: Mayor De La Isla -1.

AFTER THE MEETING was called to order, Pastor Nokomis Jackson, Mount Carmel Baptist Church, provided the invocation.

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

A PRESENTATION on the Planning and Development Quarterly Report was presented by Bill Fiander, Planning and Development Director.

A PRESENTATION on the Public Works Quarterly Report was presented by Brian Faust, City Engineer.

A PRESENTATION on the Utilities Quarterly Report was presented by Braxton Copley, Deputy Utilities Director.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of May 7, 2019, was presented.

APPROVAL of an Open After Midnight License application for American Legion Post 400 located at 3029 NW U.S. Highway 24, was presented.

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

<u>Business Name</u>	<u>Address</u>
29 th Gas and Shop	1611 SE 29 th Street
Abraham SN	1101 SW 6 th Avenue
Aldi #54	1530 SW Arvonja Place
Aldi #83	105 SW 29 th Street
Casey's General Store #2261	600 SE Rice Road
Casey's General Store #2312	4441 SE California Avenue
Casey's General Store #3580	6741 SW 21 st Street

<u>Business Name</u>	<u>Address</u>
Dillons #47	2815 SW 29 th Street
Dillons #54	800 NW 25 th Street
Dillons #67	2010 SE 29 th Street
Dillons #87	5311 SW 22 nd Place
Dillons #88	4015 SW 10 th Street
Hy-Vee #1658	2951 SW Wanamaker Road
Hy-Vee Gas	6011 SW 29 th Street
Walgreens #03069	1001 SW Topeka Boulevard
Walgreens #03772	2901 SE California Avenue
Walgreens #04557	2121 SW Fairlawn Road
Walgreens #04782	3696 SW Topeka Boulevard
Walgreens #04981	3630 SW Wanamaker Road
Walgreens #07778	1001 SW Gage Boulevard
Walgreens #15601	2101 NW Topeka Boulevard
Walgreens #16314	3900 SW 29 th Street
Wood Oil #7	101 NE U.S. Highway 24

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

APPROVAL of a three-year labor agreement between the City of Topeka and the International Association of Fire Fighters (IAFF) Local Union No. 83 was presented. (Contract No. 47775)

Jacque Russell, Human Resources Director, reported a tentative agreement has been reached with the Union. She highlighted rate of pay changes including an increase of 7.2% for the entry level positions and a 2% pay matrix increase to all other classifications in 2019; a 2% pay matrix increase in 2020; and a 3% pay matrix increase in 2021. She stated other major amendments include phasing in certification requirements for promotions; and addressing paramedic compensation and other terms for those employees who may provide ALS services in 2020 and 2021.

Councilmember Emerson referenced the City's Personnel Code currently being reviewed by the Policy and Finance Committee and asked if changes to the Personnel Code would apply to employees under this contract.

Jacque Russell stated the labor agreement would supersede any personnel changes that would be implemented after the agreement was executed.

Councilmember Hiller referenced the need to finalize the Fire Department's Master Plan and questioned if the labor agreement provides the City the flexibility to phase in the ALS Program.

Brent Trout, City Manager, reported the contract would allow time for an implementation period in order for the ALS Program to be phased as needed.

Councilmember Lesser moved to approve the labor agreement. The motion seconded by Councilmember Coen carried unanimously. (9-0-0)

DISCUSSION regarding the filing and disposition of claims was presented.

Brent Trout, City Manager, stated as a result of the first Rapid Process Improvement (RPI) event conducted on the claims process, staff was proposing changes to the ordinance to streamline the process.

Shelly Starr, Chief of Litigation, reported Kansas Statute prohibits claimants from pursuing tort and civil rights claims against a city in District Court unless the claimant first submits the claim to the city, and Topeka Municipal Code Chapter 3.35 establishes the process for submitting and reviewing claims. She stated based upon the RPI event and review of other Kansas cities, staff recommends the following:

1. Increasing the threshold amount that triggers the manner in which claims are approved from \$10,000 to \$50,000. The current threshold of \$10,000 was established in 1990 and lower than comparable cities; some of which have a threshold amount of up to \$50,000.
2. Eliminating the current appeal process. Ordinances from several cities of the first class (Lenexa, Olathe, Overland Park, Salina and Wichita) were reviewed and did not provide for this type of appeal from a claim denial as well as no city responded in the affirmative

after the inquiry was submitted through the League of Kansas Municipalities City Attorney list serve.

3. Eliminating the requirement of filing appraisers' reports in condemnation actions with the city clerk. The requirement was adopted in 1986; however, it has not been practiced. Appraisers' reports are provided to the Legal Department and kept as part of the legal case file for the particular condemnation litigation.
4. Codifying the current practice regarding the processing of motor vehicle claims. Currently, the Human Resources Department Risk Manager handles the claims through a 3rd party administrator.

Councilmember Jensen expressed concern with the overall reporting of claims and allowing the Governing Body to remain informed. He requested a reporting requirement be included in the ordinance.

Councilmember Ortiz expressed concern with removing the appeal process. She stated the appeal procedure ensures the process remains open and fair, supporting transparency in government.

Councilmember Hiller stated she concurs with Councilmembers Jensen and Ortiz. She stated remaining informed provides a good “check and balance” system and she believes there was value in conducting executive sessions and getting feedback from other Governing Body members.

Brent Trout, City Manager, reported the suggestions made by staff were intended to streamline the process and improve customer service.

Councilmember Mays reminded Governing Body members they have the option to meet with staff at any time if they need information about a specific claim. He spoke in support of the suggested changes because it would appear to remove some of the delays and speed up the process.

Councilmember Clear spoke in support of the proposed changes and improving the claims process. She stated she believes staff needs to be given the authority to make the decisions as

well as communications could be handled through a written memo to the Governing Body as not all claims need to be discussed.

Councilmember Emerson stated due to the low amount of claims filed annually; he believes the removal of the appeal process as well as the overall approval of the claims would not save much time; therefore, the “check and balance” system needs to remain in place.

Councilmember Lesser requested a list of claims be provided to the Governing Body on a monthly basis to allow the Governing Body to remain informed as well as reach out to staff for additional information if needed.

Councilmember Ortiz stated she concurs with Councilmember Lesser and requested a list of active claims be distributed to the Governing Body.

Councilmember Padilla stated he concurs with other Governing Body members and would like to remain informed to allow them to conduct City business. He encouraged staff to make communication a priority in the claims process.

Councilmember Hiller stated the current claims process allows Governing Body members to engage in the process with the support of other Governing Body members specifically relating to certain appeal cases.

UPDATE on staff action regarding the Governing Body Goals and Priorities was presented.

Brent Trout, City Manager, provided an update on the first quarter activities related to the Governing Body’s 2018-2019 Strategic Goals and Priorities established in April 2018. He stated the City Manager’s office supports the Governing Body’s goals and priorities by providing the framework to all City departments along with focusing on Commitment to Customer Service; Fiscal Health and Sustainable Growth; Organizational Excellence; Safe and Secure Communities; Stewardship of the City’s Physical Assets; and Thriving and Livable

Neighborhoods. He asked the Governing Body to provide him feedback as they move forward through the year.

OVERVIEW of the Topeka Fire Department Advanced Life Support (ALS) Implementation Plan for Year 2020 was presented.

Brent Trout, City Manager, stated an overview of the ALS Program would be the second of three discussions by the Topeka Fire Department to be concluded on May 21, 2019, with a discussion on Fire Station Analysis.

Richard Sigle, Topeka Chief of Emergency Medical Services (EMS), reported on the history of the Topeka Fire Department Emergency Medical Services. He highlighted the difference between Basic Life Support and Advanced Life Support; vital investments to implement the ALS plan including cost of equipment and personnel and overall implementation of the plan in 2019 and 2020; the community impact of an ALS Program; and additional benefits including a safer more secure community with improved community health, expanded partnerships, potential revenue and employee satisfaction.

Councilmembers Clear and Emerson asked if Fire Department employees support the new program.

Councilmember Lesser questioned program expenditures to date and referenced the \$322,000 currently allocated for the program in the 2019 Operating Budget; if there was data to support the advantages of implementing the ALS Program; and what type of Fire Department vehicles would be used to respond to ALS calls. He also questioned what the expectations are for potential revenue; and if consideration was given to what would be allowed in regards to billing with different insurance companies.

Councilmember Padilla asked if different types of vehicles would be used for different types of calls (medical v. fire).

Councilmember Hiller stated she believes a Fire Department Master Plan should be in place before an ALS Program can be fully implemented and the Governing Body can truly understand actual costs of the program and services to be provided. She expressed concern with requiring additional training and education and how those requirements would affect existing recruitment efforts. She also questioned the use of different types of emergency vehicles for emergency medical service calls.

Richard Sigle stated the majority of Fire Department employees support the implementation of the ALS Program. He also stated he would gather certain data factors related to the ALS program and report back to the Governing Body. He reported due to the various factors involved with emergency calls, the same vehicle would be used to respond to emergency medical calls as fire calls until determined otherwise. He provided a brief overview of ALS expenditures to date including supplies, equipment and personnel.

Brent Trout reported two fire stations would be set up and equipped to provide Advanced Life Support (ALS) services to the community starting in 2020. He stated the two stations would be used to evaluate the service as well as the impact the program has on the community and determine if it will be a worthwhile program.

Councilmember Lesser questioned the need to expend funds at this time before data was conclusive to determine the type of ALS Program model needed for Topeka.

Councilmember Jensen stated the purpose of the pilot program was to determine the best ALS program model for the community. He commended the Topeka Fire Department for their efforts in implementing a successful pilot program.

Councilmember Hiller referenced the request to compile ALS data. She stated it was her understanding much of the ALS data was already being collected because the pilot program has already begun. She requested to receive the annual call data report from the Topeka Fire Department outlining the number of calls per station, number of fire calls as well as the number of EMS calls.

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

Brenda Younger, City Clerk, gave a brief overview of the May 21, 2019 Governing Body agenda.

Deputy Mayor Clear announced she attended the Rose Bud Park Ground Breaking ceremony on May 14, 2019, and noted the park was scheduled to be complete by the end of 2019. She stated she also attended the Save the City Event at French Middle School where many good ideas were presented by the students.

Councilmember Ortiz announced the Topeka Metro Transit Authority will be offering Kids Ride Free from May 15-August 15, 2019. She thanked staff for hosting the Coffee with the Topeka Police Chief on May 9, 2019. She encouraged families to utilize the many free food bank locations during the summer months.

Councilmember Emerson announced Strengthening Police and Community Partnerships for Council District No. 4 would be held May 20, 2019, at 6:30 p.m. at the American Legion located at 3800 SE Michigan Avenue.

Councilmember Padilla stated he attended Coffee with Topeka Police Chief Cochran on May 9, 2019, and the Save the City event on May 14, 2019, and commented on the positive impact the events made in the community. He thanked City Manager, Brent Trout, Neighborhood Relations

Department staff and Councilmembers Ortiz and Emerson for helping host the Hi-Crest Neighborhood Improvement Association (NIA) event on May 11, 2019.

Councilmember Jensen thanked event organizers for hosting the Country and Food Truck Festival event on May 11, 2019, and noted it was a great event.

Councilmember Mays reminded people to buy St. Jude Dream Home tickets by June 13, 2019.

Councilmember Coen encouraged everyone to join the Topeka Positive Reviews Facebook page for uplifting and positive news on what's going on in the city and supporting local businesses.

Councilmember Lesser stated he attended the Casa of Shawnee County Lip Sync, Battle of the Lips on May 10, 2019, which was a great event held to benefit the organization.

Councilmember Hiller announced various events for the 65th Anniversary celebration of Brown vs. Board of Education.

Henry McClure appeared to speak under public comment.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 15 minutes to discuss the acquisition of real property necessary for utility infrastructure, as justified by K.S.A. 75-4319(b)(6). In order to aid the discussion, the following individuals should be present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Administrative and Financial Services Director, Jessica Lamendola; Deputy Utilities Director, Braxton Copley and City Attorney, Lisa Robertson. The motion seconded by Councilmember Jensen carried. Councilmember Padilla voted “no.” (8-1-0)

Following a 15-minute time period, the Governing Body reconvened into open session and Deputy Mayor Clear announced no action was taken.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 10 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters, as justified by K.S.A. 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Administrative and Financial Services Director, Jessica Lamendola; Police Chief, Bill Cochran; Chief of Litigation, Shelly Starr and City Attorney, Lisa Robertson. The motion seconded by Councilmember Jensen carried.

Councilmember Ortiz voted no. (8-1-0)

Following a 10-minute time period, the Governing Body reconvened into open session and Deputy Mayor Clear announced no action was taken.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 10 minutes to continue consultation with the City's legal counsel to discuss attorney-client privileged matters, as justified by K.S.A. 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Administrative and Financial Services Director, Jessica Lamendola; Police Chief, Bill Cochran; Chief of Litigation, Shelly Starr and City Attorney, Lisa Robertson. The motion seconded by Councilmember Jensen carried.

Councilmember Ortiz voted no. (8-1-0)

Following a 10-minute time period, the Governing Body reconvened into open session and Deputy Mayor Clear announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 10:00 p.m.

(SEAL)

Brenda Younger
City Clerk