

Council Minutes – February 9, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 9, 2010. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9. Mayor Buntgen presided -1.

AFTER THE MEETING was called to order, Pastor Branson Roberts, First Church of the Nazarene gave the invocation.

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

A PRESENTATION on the Polk-Quincy Viaduct Design Concept Study was given by Jim Tobaben, Parsons Brinckerhoff.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of February 2, 2010 were presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for Cypress Ridge Golf Course located at 2533 SW Urish Road was presented.

A Dance Hall License application bearing the approval of the Chief of Police and City Inspectors for Dupree's Lounge located at 108 SE 8th Street was presented.

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

Councilmember Archer moved to suspend the Council Rules to add a resolution relating to severance pay to the Council agenda and take action on the resolution. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

Mayor Bunten announced that the resolution would be added to the Council agenda under Unfinished Business as item 5B.

ORDINANCE NO. 19381 introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Sections 142-1 and 142-429, concerning parking violations and specifically repealing said original section placed on first reading February 2, 2010 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to adopt the ordinance. The motion was seconded by Councilmember Swank.

Councilmember Alcalá asked if the City plans to hire a full-time person to enforce the parking; and how was the City notified of the parking enforcement issue.

Norton N. Bonaparte, Jr., reported that a parking control officer would be utilized on an as-needed basis to determine how often enforcement would be required; and the developer notified the City of the need of increased parking enforcement.

Councilmember Alcalá asked what is the total amount invested in the area by the City; what are the total revenues received to date; and how many parking stalls does the parking lot consist of.

Pam Simecka, City Controller reported that the City has invested approximately \$10.4 million in the area which includes utility infrastructure, purchase of land, construction and various improvement costs, and the cost of issuing the bonds. She stated that the City has received approximately \$9.8 million in revenues.

Mike Teply, Public Works Director stated that he is not sure how many parking stalls are located in the parking lot.

Councilmember Ortiz asked if the City has installed parking meters in the parking lot; and if the public has access to the parking lot.

Mike Teply stated that parking meters have not been installed in the parking lot; and the public can utilize the parking lot if they purchase a permit.

The motion to adopt the ordinance carried. Councilmembers Alcalá and Ortiz voted “no.” (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -7. Noes: Alcalá and Ortiz -2.

RESOLUTION NO. 8235 introduced by City Manager Norton N. Bonaparte, Jr., amending Article VIII, Section 2 of Resolution No. 7758, City of Topeka Personnel Code, relating to severance benefits and specifically rescinding said original section was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Archer reported that the Policy and Finance Committee discussed the severance pay issue and recommended approval by a vote of 3-0-0 on February 5, 2010. He stated that the Committee requested the Human Resources Department conduct a thorough review of the severance benefit policy and make recommendations to the Council by late April or early May of 2010.

Braxton Copley, Deputy City Attorney stated that the current severance benefit policy has the potential to cause legality issues for the City; therefore, further review will be conducted and recommendations provided.

Councilmember Preisner commended the Policy and Finance Committee for their work in resolving the issue in a timely manner.

Councilmember Preisner moved to adopt the Policy and Finance Committee recommendations. The motion was seconded by Councilmember Swank.

Councilmember Alcala requested that the Committee review and compare the ten-year seniority plan with the fifteen-year seniority plan if they have not done so already.

Councilmember Archer stated that the Committee requested that the Human Resources Department analyze procedures used by other organizations in similar situations.

Norton N. Bonaparte, Jr., stated that a legal defect has been identified in the current ordinance that was approved in 1992; therefore, in an effort to prevent possible discrimination lawsuits the Human Resources Department will review the policy and make recommendations. He noted that the severance package would not change.

The motion to adopt the Policy and Finance Committee recommendations carried unanimously. (9-0-0)

Councilmember Preisner moved to approve the resolution as amended. The motion seconded by Councilmember Swank carried unanimously. (9-0-0)

ORDINANCE NO. 19382 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of January 25, 2010, through January 31, 2010, and enumerating said expenditures therein was presented for first and final reading.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Woelfel 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, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 307 S. Kansas Avenue from “I-1” Light Industrial District TO “D-1” Downtown District was presented for first reading. (Z10/1)

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

Norton N. Bonaparte, Jr., City Manager announced that a Heartland Visioning Community meeting would be conducted on February 25, 2010 at the Downtown Ramada Inn from 5:00 p.m. to 7:00 p.m. He also announced that a Human Relations Commission Town Hall meeting would be conducted on February 11, 2010 at the Cyrus K. Holliday building located at 620 SE Madison from 6:00 p.m. to 8:00 p.m. He encouraged citizens to watch the City of Topeka Presents Program highlighting Council District No. 4; and the Mayor’s Minute airing daily on City4.

Councilmember Hiller commended the Boy Scouts of America Association for being a great program and stated that she has participated in many of their activities. She asked if the City is being actively represented by their lobbyist regarding Amtrak’s Northern Flyer Alliance service expansion.

Norton N. Bonaparte, Jr., stated that he would check on the status of the request and report back to the Council.

Councilmember Alcalá commented on the recent brass and copper piping theft at the Garfield Pool. He reported that it would cost too much to replace the piping and could not be justified due to the construction of a new pool scheduled in 2011. He noted that the pool would

be closed for the 2010 season. He stated that he appreciates the opportunity to transport children for the 2010 swim season to other City pools; however, residents are concerned with transporting young children. He requested that the City make certain the arrangement of transporting children is short-term and does not extend past the 2010 swim season or it could appear that Oakland residents are not receiving the same recreational privileges as other City residents.

Councilmember Ortiz invited the community to attend the Mariachi Estrella Band Event on February 21, 2010 at 3:00 p.m. and 5:00 p.m. at the Brown Foundation Building located at 1515 SE Monroe. She noted that the event is sponsored by the Kansas Humanities Council and is free of charge to the public.

Councilmember Wolgast acknowledged Visit Topeka, Inc., and stated that the organization has celebrated a great year resulting in tremendous success in community participation and activities.

Mayor Bunten stressed the importance of the February 25, 2010 Heartland Visioning Community meeting and encouraged community involvement. He spoke in support of making significant changes to the downtown area and stated that the changes are unique and would provide a source of pride for all Kansans.

Sharolyn Duggers appeared to speak under public comment.

Councilmember Preisner moved to adjourn the City Council meeting. The motion seconded by Councilmember Archer carried unanimously. (9-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:51 p.m.

Brenda Younger
City Clerk