

**Council Minutes – April 27, 2010**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 27, 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 Bunten presided -1.

AFTER THE MEETING was called to order, Councilmember Ortiz gave the invocation.

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

A PRESENTATION by Bonnie McKelvy of the Distinguished Budget Award from the Government Finance Officers Association was presented to Jim Langford, City of Topeka Budget and Finance Director.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of April 20, 2010 were presented.

Cereal Malt Beverage License applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Casey's #2261	600 SE Rice Road
Casey's #2312	4441 SE California Avenue
Hy-Vee	2951 SW Wanamaker Road
Kris Foods	810 SE 15 <sup>th</sup> Street
Kris Foods	2841 SE Croco Road

Open After Midnight License applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Blind Tiger Brewery & Restaurant	417 SW 37 <sup>th</sup> Street
Fairlawn Plaza BP	2101 SW Fairlawn Road
Wood Valley Racquet Club	2909 SW 29 <sup>th</sup> Street

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

BOARD APPOINTMENT recommending the re-appointment of Andy Sanchez to the Topeka Metropolitan Transit Authority (TMTA) Board for a term that would end April 30, 2014 was presented.

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

Jack Alexander spoke in support of the board appointment. He stated that he believes Mr. Sanchez is very thorough and diligent in his work as a Board member.

Councilmember Archer stated that he would not support the board appointment because it is a four-year term, and in his opinion there has been a lack of oversight in the governance of TMTA in the last year during tough economical times. He stated that he believes the Board needs new members or the same results would occur.

Councilmember Wolgast stated that he nominated Mr. Sanchez and supports the appointment. He stated that he does not believe Mr. Archer's views are the view of the majority of the City Council. He noted that Mr. Sanchez has expressed new ideas and would be appropriate to serve on the TMTA Board.

Councilmember Ortiz stated that she would support the appointment because the Board needs diversity; and it would be detrimental to appoint new board members who are not familiar with TMTA policies at this time.

Councilmember Alcala stated he would support the appointment because Mr. Sanchez has gone beyond the call of duty as a Board member many times and he appreciates his honesty.

Councilmember Wolgast moved to approve the board appointment. The motion seconded by Councilmember Alcala carried. Councilmember Archer voted "no." (8-1-0)

CHARTER ORDINANCE NO. 101 introduced by Councilmember Deborah Swank amending City of Topeka Code Section A9-2 and Section A9-20 and repealing said original sections concerning the Metropolitan Transit Authority placed on first reading April 20, 2010 was again presented.

Councilmember Swank gave the staff report. She explained that the charter ordinance would authorize a mill levy cap increase not to exceed 5 mills for 2011, and beginning in 2012 and subsequent years the mill levy cap would not exceed 3 mills each year.

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

Councilmember Alcalá stated that he would not support an increase in the mill levy cap because the consultant study on the operations of TMTA has not been completed and he does not have enough information to justify approving an increase.

Councilmember Archer stated that he would prefer to review the results of the consultant study before making a decision on the mill levy cap.

Councilmember Swank stated that she understands the Council's concerns because she would have preferred to wait and review the results of the consultant study before making a decision; however, there are timelines that must be followed regarding the adoption of charter ordinances.

Jackie Williams, City Attorney stated that there is a 60-day protest period, as well as, the charter ordinance must be published once each week for two consecutive weeks in the City's official newspaper before the charter ordinance would become effective.

Councilmember Alcalá questioned if an increase in the mill levy cap could be authorized through a resolution instead of a charter ordinance.

Jackie Williams stated that a mill levy cap increase must be authorized through a charter ordinance.

Councilmember Swank stated that if a mill levy cap increase is not approved this evening, the mill levy cap would revert back to 3 mills, resulting in a large reduction or cut in TMTA operating services.

Councilmember Hiller stated that she believes it is critical to allow a mill levy cap increase of more than 3 mills; however, she questioned why the current 4.4 mill levy cap is not sufficient.

Councilmember Woelfel stated that he supports the language amendment on line 36 of the charter ordinance concerning what constitutes a quorum; however, he does not support an increase in the mill levy cap.

Councilmember Woelfel made a substitute motion to divide the question and vote on the language amendment on line 36 and the proposed mill levy cap increase separately. The motion died due to a lack of a second.

Councilmember Alcalá stated that although he is disappointed the charter ordinance was presented to the Council before the consultant study results could be reviewed; he has decided to support the mill levy cap increase to avoid a reduction or disruption in TMTA operating services. He also stated that if the charter ordinance is disapproved the issue could not be considered again by the Council for six months as outlined in the Topeka City Council Rules & Procedures.

Councilmember Woelfel stated that he would not support the charter ordinance because it was his understanding that the mill levy cap increase granted last year was due to a temporary emergency and should not be used as a permanent fix for the organization's financial problems.

He also stated that the consultant study should have been completed prior to presenting the charter ordinance to the Council.

Councilmember Swank stated that the increase in the mill levy cap was extended for only one year because the Council does not have the details of the consultant study. She questioned if there are other funding sources available to TMTA and would prefer a definitive answer from the consultants before determining a sufficient mill levy rate on a permanent basis.

Councilmember Archer stated that it has not been proven if services would have to be cut if the mill levy cap is not increased. He reminded the Council that TMTA Management has not informed them on the best way to operate TMTA. He noted that all levels of government are doing more with less funding and TMTA should do the same.

Councilmember Hiller stated that she would prefer to set the mill levy cap at 4.4 mills for one year with a clear message that the mill levy cap would return to 3 mills the next year. She noted that this would give the Council the opportunity to review the results of the consultant study and make a determination.

Councilmember Woelfel made a substitute motion to amend the charter ordinance by setting the mill levy cap at 4.4 mills instead of 5 mills. The motion seconded by Councilmember Hiller carried. Councilmembers Ortiz, Wolgast, Swank and Archer voted “no.” Mayor Bunten voted “yes.” (6-4-0)

Councilmember Swank moved to adopt the charter ordinance as amended. The motion seconded by Councilmember Ortiz carried. Councilmembers Woelfel and Archer voted “no.” Mayor Bunten voted “yes.” (8-2-0)

The charter ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Wolgast, Swank, Preisner, Harmon and Mayor Bunten -8. Noes: Woelfel and Archer -2.

APPROVAL of a one-year Labor Agreement between the City of Topeka and the International Association of Firefighters Union Local No. 83 for 2009 was presented. (*Contract No. 40398*)

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

Dennis Taylor, Performance Management Coordinator gave a brief overview of the primary changes made to the IAFF Union Local No. 83 labor agreement. The changes included revisions to sick leave accruals; leave granted and paid time off for schools and seminars; increased benefits to beneficiaries of deceased firefighters; and salaries would remain at the 2008 level.

Councilmember Ortiz moved to approve the labor agreement. The motion seconded by Councilmember Preisner carried unanimously. Mayor Buntten voted “yes.” (10-0-0)

ORDINANCE NO. 19412 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of April 5, 2010, through April 11, 2010, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Archer 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 Ordinance by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at the southwest corner of the intersection of SW Wanamaker Road and SW 11<sup>th</sup> Street from “R-1”

Single-Family Dwelling District to “C-2” Commercial Zoning District was presented for first reading. (Z10/2)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 2-224, concerning the Topeka Metropolitan Transit Authority and specifically repealing said original section was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager announced that the Topeka Fire Department Citizens Academy would begin on April 28, 2010 and Academy details are posted on the City’s website at [www.topeka.org](http://www.topeka.org) or call 368-4000 for more information. He also announced that an East Topeka Summit would be held on May 6, 2010 at the Highland Park High School cafeteria from 6:30 p.m. to 8:00 p.m. He encouraged business owners and residents to attend the event and provide input to the City on how the City could better assist with improving the east Topeka area. He encouraged citizens to watch the “City of Topeka Presents” program featuring Council District No. 8; and the “Mayor’s Minute” program. He asked citizens to participate in the 2010 Census Bureau survey.

Councilmember Hiller encouraged citizens to attend the Polk-Quincy Viaduct Project planning process meetings. She announced that an online meeting sponsored by the Kansas Department of Transportation would be conducted on April 28, 2010 from 2:00 p.m. to 3:00 p.m.; and an Open House meeting would be conducted on April 28, 2010 from 4:30 p.m. to 7:00 p.m. at the Cyrus K. Holliday, First Floor Conference Room. She noted that the planning process has been narrowed down to two designs and encouraged citizens to provide input on the

project. She commented on the North Topeka Art District event which had over 70 artists in attendance.

Councilmember Ortiz thanked the volunteers who participated in the 2010 Take Over/Make Over event on April 24, 2010. She encouraged residents to attend the East Topeka Summit on May 6, 2010 at the Highland Park High School cafeteria. She stated that this is a great opportunity for citizens to gather and give ideas on ways to attract development and businesses to east Topeka.

Councilmember Woelfel commented on the East Topeka Summit and stated that it is a great opportunity for business owners and residents in east Topeka to inform the City of what needs to be accomplished to attract development in the area.

Mayor Bunten commended the volunteers involved in the 2010 Take Over/Make Over event and stated that it was a great opportunity to clean up the city and make it a better place to live.

Ted Mize appeared to speak under public comment.

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

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:27 p.m.

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Brenda Younger  
City Clerk