

City Council Minutes – May 23, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 23, 2006. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -8. Mayor Bunten presided. -1. Absent: Councilmember Alcalá -1.

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

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

Councilmember Ortiz moved to suspend the Council Rules to add a resolution to the Consent Agenda granting Sacred Heart Catholic Church an exception to the noise provisions of the City of Topeka. The motion seconded by Councilmember Kennedy carried unanimously.

(8-0-0)

Councilmember Ortiz moved to reinstate the Council Rules. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION recommending the appointment of Ivan Weichert to the Board of Zoning Appeals for a term that would expire on May 31, 2007 was presented.

MINUTES of the Regular Meeting of May 16, 2006 were presented.

RESOLUTION NO. 7804 introduced by Councilmembers John Alcalá and Sylvia Ortiz, granting Sacred Heart Catholic Church for its annual Germanfest an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

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

<u>Business</u>	<u>Address</u>
Arturo's Mexican Restaurant	105 SE 10 th Street
The Dock	2838 SE 29 th Street
In A Pinch Convenience	706 SW Fairlawn Road

An Open After Mid-Night License application bearing the approval of the Chief of Police for The Back Door, located at 610 SW Wayne, was presented.

Councilmember Preisner moved to approve the consent agenda. The motion seconded by Councilmember Kennedy carried. Councilmember Duffy voted "no". (7-1-0)

ORDINANCE NO. 18647 introduced by City Manager Norton N. Bonaparte, Jr., authorizing the City of Topeka, Kansas, to issue its Sales Tax Revenue Bonds, Series 2006, in the aggregate principal amount of \$30,625,000 for the purpose of financing the costs of removing and replacing the Topeka Boulevard Bridge located in the city; authorizing the execution of an indenture by and between the City and U.S. Bank National Association, St. Louis, Missouri, as trustee; and authorizing and approving certain additional documents and actions in connection with the issuance of said bonds placed on first reading May 16, 2006 was again presented.

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

Jim Langford, Budget and Finance Director distributed information on the sale of the bonds that included a summary of the bid results and a breakout of cost issuance. He explained that a total of seven bids were received, and Prager Sealy was awarded the bid at an interest rate of 4.7%. He also commented on the strong bond rating, competitive pricing, market conditions and bond proceed investments.

Bob Sherburne spoke in opposition to the ordinance. He expressed concern with the increase in project cost compared to a study that was conducted five years ago. He stated that he believes other options should have been considered.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -8. Absent: Alcala -1.

CHARTER ORDINANCE NO. 96 introduced by Councilmember Brett Blackburn relating to the City of Topeka's governing body, amending Topeka City Code Sections A2-21, A2-24, A2-25, A2-29 and A2-30, and specifically repealing said original sections placed on first reading April 25, 2006 was again presented.

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

Councilmember Harmon gave the committee report and stated that the Policy and Finance Committee recommended "Do Pass" by a vote of 3-0-0 on May 15, 2006. He explained that the committee adopted an amendment that would allow the Mayor to remain a member of the governing body, vote on charter ordinances only, retain current veto power except on Charter Ordinances, and any change in the functions, powers or duties of the Mayor or the Council would be subject to public vote.

Mayor Bunten stated that he fully supports the charter ordinance.

Councilmember Blackburn stated that he supports the amendment, but is disappointed that it still requires seven affirmative votes to approve a charter ordinance.

Councilmember Preisner stated that he supports the amendment and commended Councilmembers Blackburn and Haynes for their efforts in clarifying the document.

Councilmember Duffy stated that he supports the charter ordinance and is satisfied with the changes presented.

Mayor Bunten stated that he intends to work closely with the Council in setting a clear goal in making the City of Topeka a better place to live.

Councilmember Harmon moved to adopt the committee report recommending approval. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

The charter ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner, Harmon and Mayor Bunten -9. Absent: Alcala -1.

RESOLUTION NO. 7805 introduced by Councilmembers Clark Duffy, John Nave, Jeff Preisner and Brett Blackburn relating to the implementation of the Topeka/Shawnee County Comprehensive Metropolitan Plan 2025 and health care coverage for individuals, small businesses and entrepreneurs was presented.

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

Councilmember Harmon gave the committee report and stated that the Policy and Finance Committee recommended “Do Pass” by a vote of 3-0-0 on May 15, 2006. He explained that Blue Cross and Blue Shield’s (BCBS) administration expressed concern with the verbiage in the resolution. He stated that the committee decided to remove the language because it did not have an adverse affect on the resolution.

Mayor Bunten asked if BCBS has made a decision on providing health care coverage to individuals that are not a city employee under the health care group plan.

Councilmember Harmon explained that federal law restricts BCBS from providing coverage to individuals under a group plan. He clarified that the resolution directs the City

Manager to study the possibility of accepting non-city employees under a group coverage health care plan.

Councilmember Duffy stated that the City must make sure all legal bases are covered before BCBS can make a final decision.

Councilmember Haynes asked who would pay for the cost of the insurance premiums.

Councilmember Duffy stated that a financial analysis would have to be conducted to determine the cost.

Councilmember Haynes expressed concern with increasing costs and suggested that they consider hiring a consultant.

Councilmember Blackburn stated that staff could serve as a consultant and the cost of premiums would be minimal because the city defines the premiums. He also stated that he believes citizens should be offered the same healthcare benefits as city employees.

Jim Langford, Budget and Financial Director stated that insurance premiums are based on the input and recommendations the city receives from the parties involved.

Councilmember Preisner moved to adopt the committee report recommending approval. The motion was seconded by Councilmember Nave.

Councilmember Nave stated that he supports the resolution because it is a great opportunity for the city to assist small businesses and entrepreneurs with health care coverage.

Discussion continued on the importance of conducting a study on the financial impact health care coverage costs would have on the city before making a final decision.

The motion to adopt the committee report carried unanimously. (8-0-0)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., relating to the implementation of a code of ethics policy for the City of Topeka, its elected officials, appointees and employees was presented.

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

Councilmember Nave gave the committee report and stated that the Economic and Community Development Committee recommended “Do Not Pass” by a vote of 3-0- 0 on May 17, 2006.

Councilmember Nave moved to adopt the committee report and remand the resolution back to the Economic and Community Development Committee. The motion was seconded by Councilmember Kennedy

Councilmember Preisner made a substitute motion to remand the resolution back to the Economic and Community Development Committee. The motion seconded by Councilmember Blackburn carried unanimously. (8-0-0)

RESOLUTION NO. 7806 introduced by Deputy Mayor Jeff Preisner directing the City Manager to prepare and submit to the City Council a plan for the utilization of office space in City Hall by city departments and agencies, was presented.

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

Councilmember Preisner explained the resolution and stated that the plan would include renovations, ADA upgrades and address security issues in City Hall. He also stated that there could also be requirements from Code Compliance that need to be addressed.

Councilmember Preisner moved to approve the resolution. The motion was seconded by Councilmember Ortiz.

Mayor Bunten stated that he supports the resolution and believes that each Councilmember should have access to individual office space to use.

Councilmember Kennedy stressed the importance of the Mayor, City Manager and Council being easily accessible to the public.

Councilmember Blackburn stated that he believes that staff is capable of designing a plan that addresses both security and ADA accessible issues.

Councilmember Haynes commended Councilmember Preisner for addressing the Council's need for more space, he also asked what date they could expect a plan.

Norton N. Bonaparte, Jr., stated that the Council could anticipate a plan by August 22, 2006. He also stated that staff has already begun the process of designing a plan and if meeting the deadline becomes an issue the Council would be notified.

Councilmember Ortiz stated that she was concerned with security issues in City Hall and how they would be addressed.

The motion to approve the resolution carried unanimously. (8-0-0)

RESOLUTION NO. 7807 introduced by City Manager Norton N. Bonaparte, Jr., establishing a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act, K.S.A. 12-17, 114 *et seq.*, was presented.

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

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Nave carried unanimously. (8-0-0)

A PROJECT BUDGET in the amount of \$200,000 and RESOLUTION NO. 7808 introduced by City Manager Norton N. Bonaparte, Jr., relating to and authorizing Project No.

24117-B which provides for the removal and replacement of damaged or hazardous concrete/brick sidewalks throughout the city as more specifically described herein was presented.

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

Councilmember Haynes asked what procedure would be followed to determine which sidewalks need repaired.

Mike Teply, Acting Public Works Director stated that there are five programs available to individuals for sidewalk repair. He noted that any person who contacts the public works department would be considered for assistance.

Councilmember Duffy requested that an evaluation and participation criteria sheet be made available to those individuals that are interested in participating in an assistance program.

Councilmember Blackburn requested that program information be posted on the City's website, advertised on Channel 4 and sent in the water bills.

Councilmember Duffy stated that in the past the City has experienced contractors not completing a job in regards to curb cuts. He asked which program or funds would be used to correct this type of problem.

Mike Teply stated that ADA funds could be used in some instances. H explained that the majority of the time they first review the original plan to see if there may be funds still available for use.

Councilmember Blackburn asked if it is possible to include language that would hold contractors, consulting engineers and inspectors responsible for their work if they forget to do something.

Brenden Long, City Attorney noted that currently a general waiver is included in each contract. He stated that he would check to see if a statue of limitations waiver could be included.

Councilmember Ortiz stated that the procedure should be changed to help eliminate similar problems in the future.

Councilmember Blackburn moved to approve the project budget and resolution. The motion seconded by Councilmember Duffy carried unanimously. (8-0-0)

CONTRACT NO. 36461 a labor agreement between the City of Topeka Development Services Division/Planning Department and the Topeka City Employees Union AFSCME, AFL-CIO was presented.

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

Councilmember Duffy asked for clarification on a number of sections in the labor contract. He questioned unit placement of newly created job classifications, union leave relating to professional trade organizations and family members, and vacation leave accruals.

Janet Robinson, Human Relations Director gave clarification on the sections in question.

Councilmember Duffy stated that he would like to review the policy for defining newly classified positions before beginning the next labor contract negotiations because he believes the final decision should be made at the discretion of management, not the union.

David Streit and Ed Alford, Union Team Member representatives appeared to answer questions.

Councilmember Haynes stated that he agrees the policy should be reviewed.

Councilmember Duffy moved to approve the agreement. The motion seconded by Councilmember Blackburn carried unanimously. (8-0-0)

RESOLUTION NO. 7809 introduced by City Manager Norton N. Bonaparte, Jr., authorizing expenditures from the Crime Prevention Fund was presented.

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

Councilmember Haynes moved to approve the resolution. The motion seconded by Councilmember Nave carried unanimously. (8-0-0)

ORDINANCE NO. 18648 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 1, 2006, through May 7, 2006, and enumerating said expenditures herein 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 Haynes carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -8. Absent: Alcala -1.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., regarding hydrant meters, fire hydrants, and rates and charges, amending Topeka City Code Chapter 146, Article II, Division 5 and Sections 146-95, 146-105, 146-106, 146-107, 146-119, 146-123, 146-145 and 146-146, specifically repealing said original sections, and specifically repealing the following sections 146-98, 146-104 and 146-118 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, generally located at the northeast corner of SW Huntoon Street and SW Urish Road, within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes was presented for first reading. (A06/7)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 145-679 and specifically repealing said original section was presented for first reading.

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE CITY COUNCIL, were presented.

Norton N. Bonaparte, Jr., City Manager noted that the recent sale of bonds indicates that the City of Topeka has strong financial standing.

Councilmember Kennedy stated that she received a letter inquiring on the status of Sumner Elementary School. She also requested that they schedule a work session to clarify the procedure Councilmembers are to follow when submitting requests to City staff regarding constituents concerns.

Norton N. Bonaparte, Jr., stated that a proposal was submitted recently from an organization regarding Sumner Elementary School, however, there are a few details that need to be worked out before presenting the final proposal to the Council. He requested that Councilmembers submit all requests relating to constituents concerns directly to the proper staff members and the City Manager's office via email.

Councilmember Ortiz stated that the residence at 902 Gilmore was demolished on May 20, 2006. She also asked that City staff make every effort to respond to emails in a timely manner.

Councilmember Haynes requested additional information on Code Compliance Incident No. 1914 relating to overgrowth of weeds and dilapidated fencing located in the area of SE 45th Street and South Topeka Boulevard.

Councilmember Blackburn gave a brief overview of the Cellular Scout System and stated that he believes it would be a good deterrent system for the Police Department to consider. He also asked for an update on the search for a permanent Police Chief.

Norton N. Bonaparte, Jr., stated that a list of applicants should be available by the end of the week.

Councilmember Kennedy stated that due to increasing code compliance issues regarding vegetation overgrowth it is very important that City properties are maintained through the summer months.

Councilmember Nave stated that the property located on the southwest corner of SE 29th Street and Indiana needs to be cleaned up.

Ellen Ross and David Owen appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:28 p.m.

Iris Walker
City Clerk