

City Council Minutes – September 19, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 19, 2006. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcala, Ortiz, Nave, Haynes, Blackburn and Harmon -7. Mayor Bunten presided. -1. Absent: Councilmembers Duffy and Preisner -2.

AFTER THE MEETING was called to order, Councilmember Blackburn moved to adjourn into executive session for a period not to exceed ten minutes to discuss the employment contract for Ronald L. Miller. The motion seconded by Councilmember Nave carried.

Following a ten minute time period, a motion was made by Councilmember Nave and seconded by Councilmember Blackburn to extend the executive session for an additional ten minutes. The motion carried.

Following the additional ten minute time period, the Council reconvened into open session. Mayor Bunten stated that no action had been taken.

Councilmember Haynes gave the invocation.

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

Councilmember Blackburn moved to suspend the council rules to add a contract relating to the employment of Ronald L. Miller as City of Topeka Police Chief. (7-0-0)

Councilmember Blackburn moved to reinstate the council rules. The motion seconded by Councilmember Nave carried. (7-0-0)

CONTRACT NO. 36731 between the City of Topeka and Ronald L. Miller defining the terms of employment as Police Chief, was presented.

Councilmember Blackburn moved to approve the contract. The motion was seconded by Councilmember Nave.

Councilmember Alcala moved to amend page 4, section 3.7 of the contract by adding the sentence, "Further, employee shall reimburse employer for personal use mileage of the automobile when driven between Topeka and Kansas City." The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

Councilmember Alcala moved to amend page 5, section 4D of the contract to read, "The employee agrees to remain in the employ of the employer but may accept, subject to the approval of the City Manager, outside speaking engagements for compensation, and not incompatible with the duties and responsibilities of the position of Chief of Police as specified herein." The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

Councilmember Alcala moved to approve the contract as amended. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

Following the approval of the contract, Ronald L. Miller was sworn in as the City of Topeka Police Chief.

THE CONSENT AGENDA was presented as follows:

Minutes of the regular meeting of September 12, 2006, were presented.

Councilmember Ortiz moved to approve the consent agenda. The motion seconded by Councilmember Harmon carried unanimously. (7-0-0)

AN ORDINANCE introduced by Councilmembers Brett Blackburn, Lana Kennedy and Sylvia Ortiz amending City of Topeka Code Sections 50-41, 50-48, and 50-60 concerning the code of procedure for municipal court, and specifically repealing said original sections, placed on first reading July 11, 2006 was again presented.

Councilmember Ortiz gave the committee report and stated that the Public, Health and Safety Committee recommended "Do Not Pass" by a vote of 3-0-0 on September 7, 2006. She

clarified that the main purpose of the ordinance is to speed up the Municipal Court procedure process relating to code compliance issues. She also stated that the committee requested that a letter be sent to Shawnee County Administrative Judge Nancy Parrish, requesting a meeting to discuss any procedural problems in getting City warrants signed by District Judges.

Councilmember Ortiz moved to adopt the committee report recommending disapproval. The motion seconded by Councilmember Alcalá carried unanimously. (7-0-0)

ORDINANCE NO. 18715 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 21, 2006, through August 27, 2006, and enumerating said expenditures therein, was presented for first and final reading. The ordinance was deferred from the meeting of September 12, 2006.

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

Councilmember Ortiz moved to approve the ordinance. The motion seconded by Councilmember Nave carried. Councilmember Alcalá voted “no”. (6-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Nave, Haynes, Blackburn and Harmon -6. Noes: Alcalá -1. Absent: Duffy and Preisner -2.

CONTRACT NO. 36732 between the City of Topeka and the Teamsters Local No. 696 (Street Section) amending Contract No. 35752, was presented.

Ken Benjamin, Labor Relations Director gave a brief overview of the wage re-opener contract. He explained that the Union requested that the seniority based pay plan, that was compressed, be fixed, and the City requested the implementation of a merit based pay plan. He noted that the agreement accomplishes both requirements.

Kenny Clark, President of the Teamsters Local Union No. 696 appeared to answer questions.

Leroy Alston, union representative stated that the employees were satisfied with the outcome of the agreement.

Councilmember Nave moved to approve the contract. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

A PROJECT BUDGET in the amount of \$100,000 and RESOLUTION NO. 7863 introduced by City Manager Norton N. Bonaparte, Jr., relating to and authorizing Project No. 13122-04 which provides for the preliminary design and engineering services for improvements to the grounds surrounding the Great Overland Station located at 701 North Kansas Avenue, as more specifically described herein, was presented.

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

Councilmember Alcala moved to approve the project budget and resolution. The motion was seconded by Councilmember Ortiz.

Councilmember Blackburn expressed concern with the excessive amount of City funds that he believes are being used to provide preliminary design and engineering services for projects.

Councilmember Blackburn moved to amend the project budget by reducing the amount to \$80,000. The motion was seconded by Councilmember Haynes.

Councilmember Alcala stated that he would not support a reduction in the project budget because he believes the problem is a policy issue and should not be decided on a case by case basis.

The motion to amend the project budget failed. Councilmembers Kennedy, Alcala, Ortiz, Nave and Harmon voted “no”. (2-5-0)

The motion to approve the project budget and resolution carried. Councilmember Blackburn voted “no”. (6-1-0)

A PETITION, a PROJECT BUDGET in the amount of \$218,706, and RESOLUTION NO. 7864 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Sewer Improvement Project No. 40948-00 which provides for sanitary sewer service to an area generally bounded by US Highway 24 and Rochester Road, progressing east to the Old Soldier Creek, as more specifically described herein was presented.

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

Councilmember Alcalá moved to approve the petition, project budget and resolution. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

RESOLUTION NO. 7865 introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Improvement Project No. 12053-03 which provides for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River, was presented.

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

Councilmember Ortiz asked why condemnation proceedings did not begin prior to this stage of the bridge project.

Brenden Long, City Attorney stated that State Statute requires that the project be approved, and a funding source established, before condemnation proceedings begin.

Councilmember Haynes stated that he believes negotiations should be at a point of impasse before condemnation proceedings begin.

Mike Teply, Acting Public Works Director stated that negotiations with the property owners are still in progress.

Councilmember Kennedy stated that she would not support the resolution because she believes it is a blanket condemnation, and the City is not offering a fair price to the majority of the property owners.

Brenden Long, City Manager clarified that the resolution is only requesting that the City Engineer comprise a list of properties that they believe should be considered for condemnation.

Councilmember Blackburn stated that he believes the problem lies with the property owner compensation process, not the condemnation proceedings.

Councilmember Kennedy stated that she believes the wording of the resolution is misleading and confusing.

Councilmember Haynes stated that he believes the resolution should be divided into two separate processes.

Councilmember Haynes made a substitute motion to delete the entire document except lines 15 through 21. The motion seconded by Councilmember Kennedy carried unanimously. (7-0-0)

Councilmember Alcala moved to approve the resolution as amended. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

ORDINANCE NO. 18716 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period August 28, 2006, through September 3, 2006, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Alcala moved to approve the ordinance. The motion seconded by Councilmember Ortiz carried. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Nave, Haynes, Blackburn and Harmon -6. Noes: Alcala -1. Absent: Duffy and Preisner -2.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of not to exceed \$32,610,000 aggregate principal amount of Combined Utility Refunding Revenue Bonds, Series 2006-A, and the issuance of not to exceed \$23,190,000 aggregate principal amount of Combined Utility Refunding Revenue Bonds, Series 2006-B, of the City of Topeka, Kansas, under the authority of K.S.A. 10-116a and K.S.A. 10-1201 et seq., and all amendments thereto was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcala authorizing the purchase, possession and consumption of cereal malt beverages during El Centro's Blue Moon Bash event, at specified locations and times was presented for first reading.

AN ORDINANCE introduced by Councilmembers Clark Duffy and Jeff Preisner, amending City of Topeka Code Section 146-37 concerning water service to an owner of real property outside city limits, and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70123-01, which provides for a traffic study to determine proper traffic control and geometry, and preparation of plans, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

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

Councilmember Ortiz encouraged everyone to utilize the free shredding services offered by TARC this week.

Councilmember Blackburn stated that he received a complaint regarding the Mexican Independence Day event held in the Downtown area this past weekend. He explained that there were not adequate bathroom facilities or security for the event. He suggested that they implement a protocol to follow to help avoid similar problems in the future.

Councilmember Kennedy stated that she also received complaints regarding the downtown event and agreed that provisions need to be established.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:25 p.m.

Iris Walker
City Clerk