

Council Minutes – August 7, 2007

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 7, 2007. 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, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Reverend Leon Parker, First Baptist Church of Lyndon gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 7979 introduced by Councilmember Deborah Swank granting Washburn University an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions, was presented.

RESOLUTION NO. 7980 introduced by City Manager Norton Bonaparte, Jr., granting various neighborhood organizations an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions, was presented.

RESOLUTION NO. 7981 introduced by Councilmember Jack Woelfel granting Shannen Rodriguez an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions, was presented.

RESOLUTION NO. 7982 introduced by Councilmembers Jack Woelfel and Jeff Preisner expressing support for the Meadowlark Estates Development Project, was presented.

RESOLUTION NO. 7983 introduced by Councilmembers John Alcala and Jeff Preisner expressing support for the BNSF Motive Power Building Housing Development Project, was presented.

ORDINANCE NO. 18939 (*Contract No. 37629*) introduced by City Manager Norton N. Bonaparte, Jr., regarding a Contract Franchise Ordinance granted to McLeodUSA Telecommunications Services, Inc., a telecommunications local exchange service provider providing local exchange service within the City of Topeka, Kansas placed on first reading July 24, 2007 was again presented.

Minutes of the regular meeting of July 24, 2007 were presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for California BP Amoco located at 2740 California Avenue, was presented.

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

<u>Name</u>	<u>Address</u>
Mahogany's	1307 SW Huntoon
Sharkey's Tiki Bar	5217 SW 28 th Court

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

A NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, August 7, 2007 at 6:00 P.M. relating to vacation request V07E/9 by Reser's Fine Foods to vacate a 13-foot wide access and utility easement located at the southeast corner of SE 10th Avenue and SE Wittenberg Road, City of Topeka, Shawnee County, Kansas.

ORDINANCE NO. 18940 introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a 13-foot wide access and utility easement located at the southeast corner of SE 10th Avenue and SE Wittenberg Road, City of Topeka, Shawnee County, Kansas placed on first reading July 24, 2007 was again presented. (*V07E/9*)

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

Councilmember Preisner moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

A NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, August 7, 2007 at 6:00 P.M. relating to vacation request V07S/4 by Pipedreams Development, Inc., to vacate a 45-foot wide strip of public street right-of-way along the south side of NW 25th Street and east of NW Clay Street, City of Topeka, Shawnee County, Kansas

ORDINANCE NO. 18941 introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a 45-foot wide strip of public street right-of-way located along the south side of NW 25th Street and east of NW Clay Street, City of Topeka, Shawnee County, Kansas placed on first reading July 24, 2007 was again presented. (V07S/4)

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

Councilmember Alcala moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Kennedy carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

A NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, August 7, 2007 at 6:00 P.M. relating to the proposed amended use of 2007 Operating Budget funds.

ORDINANCE NO. 18942 introduced by City Manager Norton N. Bonaparte, Jr., amending the adopted operating budget for the City of Topeka, for the year 2007, and

appropriating the amounts for the purpose as set forth therein was presented for first and final reading.

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

Councilmember Preisner moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Kennedy carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, August 7, 2007 at 6:00 P.M. for the purpose of obtaining public input on the 2008 City of Topeka Consolidated Action Plan.

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

Ginny Bennett spoke in support of the 2008 Consolidated Action Plan.

Kevin Siek, Topeka Independent Living Resource Center distributed a handout and spoke in support of social service funding. He noted that there has been an increase in low-income housing assistance by their agency.

Councilmember Preisner moved to close the public hearing. The motion seconded by Councilmember Woelfel carried unanimously. (9-0-0)

A NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, August 7, 2007 at 6:00 P.M. for the purpose of hearing and answering questions or objections of taxpayers relating to the proposed use of all funds and the amount of tax to be levied for the City of Topeka 2008 Operating Budget.

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

Mayor Bunten noted that Councilmember Preisner would introduce a resolution proposing the consolidation of Topeka and Shawnee County funding for non-governmental agencies, the arts, youth services and social services.

Councilmember Alcala encouraged all agencies to express their need for City funding.

The following individuals appeared and explained the services their organization provides to the community and requested continued funding for their organization:

<u>Name</u>	<u>Agency</u>
Debbie Guilbault	Topeka Aids Project
Cindi Oneal	Community First
Colin Bennett	Citizens Advisory Council
Karla Hedquist	HealthAccess
Tom Banaka	Chesney Park Neighborhood Improvement Association
Stanley Redmon	Abbott Community Center
Philicia McKee	Keep America Beautiful
Johan Freeland	Abbott Community Center
Karen Hiller	Housing and Credit Counseling, Inc.
Cheryl Hishmeh	Parks and Recreation Advisory Board

Dr. Roy Menninger, M.D., spoke in support of continued social service funding by the City. He also stated that he believes if social service funding is cut, it would have a negative effect on the community.

Will Dickey, City of Topeka employee expressed concern with the proposed increase of health care coverage costs to City employees. He also gave a brief overview of the total cost of health care provided to employees.

Councilmember Preisner moved to close the public hearing. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

ORDINANCE NO. 18943 introduced by City Manager Norton N. Bonaparte, Jr., annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, generally located approximately 225-feet north of SW 45th Street lying east and west of SW

Misty Harbor Drive extended, within unincorporated Shawnee County, Kansas, and contiguous to the City of Topeka corporate limits, and said land being annexed for all City purposes placed on first reading July 24, 2007 was again presented. (A07/3)

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

Councilmember Blackburn moved to adopt the ordinance. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

Councilmember Preisner moved to suspend the Council rules to add a resolution to the agenda proposing the consolidation of Topeka and Shawnee County funding for non-governmental agencies, the arts, youth services, and social services. The motion seconded by Councilmember Blackburn carried unanimously. (9-0-0)

Councilmember Preisner moved to reinstate the Council Rules. The motion seconded by Councilmember Blackburn carried unanimously. (9-0-0)

Mayor Buntten noted that the resolution would be placed on the agenda under New Business as item 7F.

RESOLUTION NO. 7984 introduced by Councilmember John Alcala relating to the consolidation of the City of Topeka Information Technology Department and the Shawnee County Information Technology Department was presented.

Councilmember Alcala explained the intent of the resolution, and stated that he believes consolidation of departments would save the taxpayers money.

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

Councilmember Blackburn suggested cutting the current City and County Information Technology Departmental budgets by \$700,000 for the next five years, saving taxpayers approximately \$7.5 million.

Councilmember Blackburn made a substitute motion to instruct the City Manager to prepare an inter-local agreement to consolidate the City of Topeka and the Shawnee County Information Technology departments under the management of the City of Topeka, to include Shawnee County funding of \$3.5 million and City of Topeka funding of \$4 million in fiscal year 2008, and to include such other terms and conditions deemed necessary by the City Manager, and approve the resolution as amended. The substitute motion was seconded by Councilmember Preisner.

Several Councilmembers expressed concern with how the consolidation would affect the purchase of new Enterprise Resource Planning (ERP) software systems for both the City and the County.

Norton N. Bonaparte, Jr., City Manager stated that approval of the resolution would not affect the purchase process of the new software systems.

Lew Mills stated that he believes the citizens of Shawnee County are paying for the financial mistakes made by the City and the County.

Mary Masters asked the City and County to act responsibly when utilizing taxpayer dollars.

Larry Bruning commended the Council for taking the initiative to realize the need for a service partnership with the County.

Councilmember Haynes asked if the City's IT Department supports the City-County IT Departmental consolidation.

Mark Biswell, Interim Information Technology Director stated that the City IT Department supports consolidation.

Councilmember Harmon questioned how the consolidation would affect the services rendered to the citizens of the City and the County. He also stated that he believes the City and County need to determine their respective roles in providing services to people.

The substitute motion carried. Councilmembers Alcala and Ortiz voted “no.” (7-2-0)

RESOLUTION NO. 7985 introduced by City Manager Norton N. Bonaparte, Jr., amending Article 5, Sections 2, 4, and 5 of Resolution No. 7758, the City of Topeka Personnel Code, relating to employee performance evaluation and specifically rescinding said original section was presented.

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

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

RESOLUTION NO. 7986 introduced by City Manager Norton N. Bonaparte, Jr., amending Article I, Section 2 of Resolution No. 7758, City of Topeka Personnel Code, relating to the definition of Immediate Family and specifically rescinding said original section was presented.

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

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

ORDINANCE NO. 18944 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of July 9, 2007, through July 15, 2007, 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 Blackburn carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18945 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of July 16, 2007, through July 22, 2007, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Kennedy moved to adopt the ordinance. The motion seconded by Councilmember Blackburn carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

RESOLUTION NO. 7987 introduced by Councilmember Jeff Preisner proposing the consolidation of Topeka and Shawnee County funding for nongovernmental agencies, the arts, youth services, and social services was presented.

Councilmember Preisner explained the intent of the resolution. He noted that the City contributes \$1.3 million to social service funding; and the County contributes \$225,000.

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

Councilmember Alcala stated that he would not support the resolution because he believes it shifts the funding responsibility from the City to the County and there is no guarantee

that social services would receive the funding they need. He also stated that he believes it would complicate the budget process, as well as, the allocation of social service funds.

Councilmember Woelfel asked if a timeline could be placed on the request.

Brenden Long, City Attorney stated that a timeline could be implemented.

Norton N. Bonaparte, Jr., City Manager noted that there are four County Commission meetings scheduled prior to the adoption of the City of Topeka 2008 Operating Budget.

Councilmember Swank stated that she supports the resolution, and believes there is ample time to discuss the proposal with the County.

Councilmember Blackburn stated that he believes it does not shift the financial obligations because the entire County utilizes social service programs.

Councilmember Harmon asked if the City is contractually obligated to contribute to social services.

Brenden Long, City Attorney stated that each year new contracts are constructed for social services; therefore, the City is not obligated to contribute.

The motion to approve the resolution carried. Councilmembers Alcala, Ortiz, Haynes and Harmon voted “no.” (5-4-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70114-03, which provides for the widening of Gage Boulevard from 10th to 12th Streets, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Trafficway Improvement Project No. 70179, which provides for improvement of Huntoon Street from Fairlawn Road to McAlister Street, and

specifically repealing City of Topeka Ordinance No. 17487, all pursuant to K.S.A. 12-685, et seq., and Section A12-1 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 84347, which provides for curb and gutter replacement, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., regarding a Contract Franchise Ordinance granted to Global Crossing Telemanagement, Inc., a telecommunications local exchange service provider providing local exchange service within the City of Topeka, Kansas was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., regarding a Contract Franchise Ordinance granted to Sage Telecom, Inc., a telecommunications local exchange service provider providing local exchange service within the City of Topeka, Kansas was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager announced that Pioneer Group, Inc., withdrew their proposal regarding the renovation of Sumner School due to financial complications. He stated that staff has been directed to initiate negotiations with Community First. He also asked citizens to help the Police Department remain proactive in reducing small infraction crimes by reporting litter being thrown from vehicles to the Police Department. He announced that the Topeka Branch NAACP, the City of Topeka, the U.S. Department of Justice, and members of the faith community and the legal field are forming a Law Enforcement Partnership Panel. He noted

that the panel supports diversity and encouraged citizens to apply. He stated that an application could be obtained from the City's website and sent to the Topeka Branch NAACP Office located at 501 SE Jefferson, Topeka, Kansas 66607 by August 15, 2007. He also announced that Water Department personnel will be on hand at the Water Treatment Plant located at 3245 NW Water Works Drive to provide information about Topeka's water quality, answer questions about other water-related issues, and offer a tour of the Water Treatment Facility on August 8, 2007 at 6:00 p.m.

Councilmember Woelfel thanked the Police Department for their efforts in eliminating litter, reducing crime, and cleaning up the city.

Councilmember Preisner stated that he believes the City needs to be patient in regards to purchasing a new Enterprise Resource Planning software system due to budget constraints.

Councilmember Harmon stated that he received a compliant from a constituent regarding the burn permit process. He commended Fire Chief Howard Giles for taking the time to meet with the individual and explain the process.

Deborah Edwards, Therese Hartnett, Aaron Edwards and Sabra Shirrell appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:10 p.m.

Brenda Younger
City Clerk