

## **Council Minutes – August 14, 2007**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 14, 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 Richard Taylor, United Methodist Pastor of the Minister Kansas West Conference gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION recommending the re-appointment of Anthony Fadale to the Human Relations Commission for a term that would expire on August 31, 2009, was presented.

A COMMUNICATION recommending the re-appointment of Sharon Joseph to the Human Relations Commission for a term that would expire on August 31, 2009, was presented.

A COMMUNICATION recommending the appointment of Lonnie Martin to the Topeka Landmarks Commission to fill an unexpired term that would end on December 31, 2007, was presented.

A COMMUNICATION recommending the appointment of Ralph Skoog to the Topeka/Shawnee County Riverfront Authority Board for a term that would expire on August 31, 2010, was presented.

A FINAL PLAT for Kansas Heritage Park Subdivision on property located at 6266 SW Huntoon Street, the northeast corner of SW Huntoon and SW Kingsrow (proposed street) within the City of Topeka, Kansas was presented. (P07/7)

A FINAL PLAT for the KTA Commercial Subdivision on property located northeast of the intersection between the on/off ramp to Interstate-470/Kansas Turnpike and SW Topeka Boulevard within the City of Topeka, Kansas was presented. (P07/23)

ORDINANCE NO. 18946 (*Contract No. 37639*) 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 placed on first reading August 7, 2007, was again presented.

ORDINANCE NO. 18947 (*Contract No. 37640*) 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 placed on first reading August 7, 2007, was again presented.

RESOLUTION NO. 7988 introduced by Councilmember Lana Kennedy granting the Kansas Black Expo an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions, was presented.

Minutes of the regular meeting of August 7, 2007 were presented.

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

Councilmember Alcala moved to suspend the Council Rules and add a resolution relating to the purchase of an Enterprise Resource Planning (ERP) software system to the agenda. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

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

Mayor Bunten noted that the resolution would be placed on the agenda under Unfinished Business as item 5A, and the remainder of the items listed under Unfinished Business would be renumbered accordingly.

A RESOLUTION introduced by Councilmember John Alcala relating to the purchase of an Enterprise Resource Planning (ERP) software system was presented.

Councilmember Blackburn asked what the cost comparison would be to upgrade the AS400 software system or purchase the ERP software system.

Jim Langford, Budget and Finance Director reported the financial implications of purchasing the ERP software system as follows; \$700,000 from the 2008 Operating Budget for the lease payment, \$200,000 from the Information Technology fund, and \$450,000 appropriated from the 2007 Operating Budget. He also reported that the cost to upgrade the AS400 software system would be approximately \$200,000 to \$225,000 in addition to the costs associated with the necessary HTE software system upgrades.

Mark Biswell, Interim Information Technology Director stated that they are still receiving information on what it would entail to upgrade the AS400 software system.

Councilmember Preisner stated that he would not support the resolution because of the budgetary impact it could have on the 2009 Operating Budget.

Norton N. Bonaparte, Jr., City Manager clarified that the City is delaying the implementation of the ERP software system purchase until January 1, 2008, preventing a lease payment until January 1, 2009.

Councilmember Alcala expressed concern with the City and County purchasing two separate software systems, and the financial impact it would have on future consolidation of the Information Technology Departments.

Norton N. Bonaparte, Jr., stated that City staff has evaluated both software systems and determined that for City purposes, Lawson is the best choice. He also stated that they could not determine the exact cost of merging both software systems at this time because a final agreement has not been reached.

Councilmember Kennedy made a substitute motion to defer the resolution until City staff could provide the Council a copy of the terms of the lease agreement with Lawson. The motion was seconded by Councilmember Preisner.

Councilmember Alcalá stated that he would not support the substitute motion because he believes delaying the decision would negatively effect how the taxpayers' money is being spent.

Councilmember Blackburn stated that he supports the substitute motion because he believes it is necessary for the Council to review the final lease agreement terms before an informed decision can be made.

Norton N. Bonaparte, Jr., stated that the Council would receive a copy of the lease agreement as soon as it becomes available.

Councilmember Alcalá asked if they would receive a copy of the lease agreement prior to the final budget meeting.

Norton N. Bonaparte, Jr. stated that he could not guarantee that the final lease agreement would be available for review by August 21, 2007.

Councilmember Preisner amended the substitute motion to defer the resolution until August 28, 2007. The motion seconded by Councilmember Kennedy carried. Councilmembers Alcalá, Ortiz and Blackburn voted "no." (6-3-0)

AN ORDINANCE introduced by Councilmembers Brett Blackburn, Lana Kennedy and Deborah Swank sitting as the Economic and Community Development Committee relating to

contractors, masters, journeymen and apprentices licensing, amending Topeka City Code Section 30-62 and repealing said original section placed on first reading June 5, 2007, was again presented. The ordinance was referred to the Economic and Community Development Committee from the meeting of June 12, 2007.

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

Councilmember Blackburn stated that he believes the ordinance should be deferred for six months to allow the Council ample time to discuss the issue.

Councilmember Blackburn made a substitute motion to defer the ordinance for six months. The motion was seconded by Councilmember Haynes.

Councilmember Alcala requested that Dawn Wright, Topeka Homebuilders Association be included in committee meeting discussions.

Greg Hunsicker, Neil Carlson, Robert Beaver and Kirk Miller spoke in opposition to the ordinance and requested that the ordinance be revised.

Councilmember Alcala stated that he believes the ordinance should be deferred because he questions if the Conflict of Interest section of the City's Code of Ethics ordinance is being violated. He asked the City Attorney to review the Code of Ethics ordinance and report back to the Council.

Councilmember Alcala made a substitute motion to defer the ordinance for one week. The motion was seconded by Councilmember Ortiz.

Brenden Long, City Attorney stated that the City's Code of Ethics policy was not being violated. He recommended that the Council review the Conflict of Interest section of the Code of Ethics ordinance and revise the language to clarify their intent.

Councilmember Alcala withdrew the substitute motion to defer the ordinance for one week. The second concurred.

Councilmember Alcala made a substitute motion to disapprove the ordinance. The motion seconded by Councilmember Kennedy carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$600,000 and ORDINANCE NO. 18948 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 placed on first reading August 7, 2007, was again presented.

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

Councilmember Preisner moved to approve the project budget 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 REVISED PROJECT BUDGET in the amount of \$2,256,679 and ORDINANCE NO. 18949 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 placed on first reading August 7, 2007, was again presented.

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

Councilmember Harmon moved to approve the revised project budget and 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.

A PETITION, A PROJECT BUDGET in the amount of \$520,300 and RESOLUTION NO. 7989 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60611-04 which provides for street improvements in the Alexander Place Subdivision as more specifically described herein, was presented.

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

Councilmember Woelfel moved to approve the petition, project budget and resolution. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

ORDINANCE NO. 18950 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of July 23, 2007, through July 29, 2007, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Preisner moved to 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.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., attesting to the increase in taxes levied for budget year 2008 necessary to finance public services for the City of Topeka was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager expressed his condolences to the family of Captain Tony Cox, City of Topeka Firefighter who lost his life in the line of duty on August 13, 2007. He also encouraged citizens to serve on the Law Enforcement Partnership Panel and stated that applications could be obtained from the City's website.

Councilmember Kennedy expressed her condolences to the family of Tony Cox.

Councilmember Alcalá expressed his condolences to the family of Tony Cox, and asked for a moment of silence to honor the fallen firefighter.

Councilmember Haynes announced that there would be a Public, Health and Safety Committee meeting held on August 16, 2007 at 4:00 p.m. in the City Council office.

Councilmember Blackburn requested that the Council re-visit the City's Conflict of Interest section of the Code of Ethics ordinance.

Margaret Bolden appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:00 p.m.

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Brenda Younger  
City Clerk