

Council Minutes – August 28, 2007

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 28, 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, Dr. Eugene Schmidt, President Emeritus of the Kansas District of the Lutheran Church, gave the invocation.

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

Norton N. Bonaparte, Jr., City Manager stated that the Minutes of the regular meeting of August 21, 2007 were not complete. He requested that the Minutes be pulled from the consent agenda and deferred for one week.

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION authorizing payment of a sewer backup claim settlement in the amount of \$15,500 to Jason Baldwin for damages sustained to his residence located at 124 SW 40th Terrace, was presented.

A COMMUNICATION recommending the appointment of Doug Bassett to the Topeka Planning Commission for a term that would expire on August 31, 2010, was presented.

RESOLUTION NO. 7991 introduced by Councilmember Deborah Swank granting Seabrook Bar and Grill an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions, was presented.

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

AN ORDINANCE introduced by Deputy Mayor Brett Blackburn amending City of Topeka Code Section 2-331 concerning the expenditure of monies from the Historic Asset Preservation fund and specifically repealing said original section, placed on first reading August 21, 2007 was again presented.

Councilmember Blackburn stated that the ordinance would initiate the process of specifying how the funds would be allocated.

Councilmember Blackburn moved to adopt the ordinance. The motion was seconded by Councilmember Preisner.

Councilmember Swank stated that she supports the ordinance, but is concerned that the language is not specific enough to address their intent of insuring that private owners do not receive federal funding.

Brenden Long, City Attorney stated that the ordinance addresses the issue of private owners receiving federal funds. He recommended that the Council further define specific administrative processes at a later date.

Chris Meinhardt expressed concern with the current process of administering funds. He asked the Council for the opportunity to present an amendment to the process at a future committee meeting.

Councilmember Haynes made a substitute motion to refer the ordinance to the Economic and Community Development Committee. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

ORDINANCE NO. 18954 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, the property is generally located north of SW 53rd Street between SW Marlboro Road and SW

Wanamaker Road, the centerline of which is approximately 3,100 feet north of SW 53rd Street, 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 August 21, 2007 was again presented. (A07/5)

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

Councilmember Blackburn moved to adopt the ordinance. The motion was seconded by Councilmember Swank.

Councilmember Alcalá requested that the proposal be conditionally approved because the developer owes delinquent property taxes on the proposed property. He expressed concern with setting a future precedence for other builders conducting business with the City.

Councilmember Alcalá made a substitute motion to adopt the ordinance with the condition that all delinquent property taxes listed under Brainstorm Development Inc., are paid in full, in the amount of \$30,106 before the ordinance is published. The motion was seconded by Councilmember Ortiz.

Brenden Long, City Attorney stated that the City would require that all property taxes be paid in full before the developer would be issued building permits for the parcels located within the development.

Councilmember Swank stated that she believes a policy should be established to address property tax issues.

The substitute motion failed. Councilmembers Kennedy, Woelfel, Swank, Blackburn, Preisner and Harmon voted “no.” (3-6-0)

The motion to adopt the ordinance carried. Councilmembers Alcalá and Ortiz voted “no.” (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -7. Noes: Alcala and Ortiz -2.

A PROJECT BUDGET in the amount of \$130,000 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 14122, which provides for replacing traffic signal, sidewalk, and ramp work at the intersection of SW Clontarf and Burlingame, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading June 19, 2007 was again presented. The project budget and ordinance was referred to Public, Health and Safety Committee from the meeting of June 26, 2007.

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

Councilmember Haynes gave the committee report and stated that the Public, Health and Safety Committee recommended conditional approval by a vote of 2-0-0 on August 16, 2007. He stated that Unified School District No. 501 is considering the committee's request to fund 50% of the cost of the project. He requested that they defer the project for two weeks to allow the school district additional time to reach a decision.

Councilmember Haynes moved to defer the project budget and ordinance for two weeks. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$1,500,000 and ORDINANCE NO. 18955 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 60633-00, which provides for neighborhood infrastructure improvements in Hi-Crest, East Topeka North, Chesney Park, and Historic Old Town, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading August 21, 2007 was again presented.

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

Councilmember Ortiz moved to approve the project budget and adopt the ordinance. The motion was seconded by Councilmember Alcalá.

Peter Hancock stated that it is the consensus of the neighborhoods, that additional street lighting is the top priority in the primary target area located at the intersection of SW 6th Street and Topeka Boulevard.

Michael Bradley, area resident spoke in support of the project and commended the Council for their help in cleaning up the neighborhoods.

The motion to approve the project budget and adopt the ordinance carried unanimously. (9-0-0)

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

A PROJECT BUDGET in the amount of \$148,000 and ORDINANCE NO. 18956 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70114-03, which provides for widening 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 placed on first reading August 21, 2007 was again presented.

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

Councilmember Harmon moved to approve the 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, Alcalá, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

A PROJECT BUDGET in the amount of \$198,400 and ORDINANCE NO. 18957 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70197-03, which provides for a portion of the design and construction of the extension of Wenger Drive, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading August 21, 2007 was again presented.

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

Councilmember Blackburn expressed concern with the federal government funding street improvements, instead of neighborhood improvements.

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 PROJECT BUDGET in the amount of \$496,000 and ORDINANCE NO. 18958 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70197-04, which provides for a portion of the design and construction of the extension of Wenger Drive, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading August 21, 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 Harmon 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 RESOLUTION introduced by Councilmember Brett Blackburn concerning the imposition of a one percent (1.00%) retailer's sales tax as provided by KSA 12-187, as amended, was presented. The resolution was deferred from the meeting of February 20, 2007.

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

Councilmember Blackburn requested that the Council decide on the matter at a later date.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Blackburn failed. (0-9-0)

A RESOLUTION introduced by Councilmember John Alcala relating to the purchase of an Enterprise Resource Planning (ERP) software system was deferred from the meeting of August 14, 2007.

Councilmember Alcala requested to withdraw the resolution from the agenda.

Upon hearing no objections, Mayor Bunten announced that the resolution would be withdrawn from the agenda.

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., concerning the consolidation of the City of Topeka Information Technology Department and the Shawnee County Information Technology Department, was presented.

Norton N. Bonaparte, Jr., City Manager reported that in preparation for the negotiation of the interlocal agreement he appeared before the Shawnee County Commission on August 13, 2007 to discuss the Commission's interest in the City's proposal to consolidate the IT Departments. He stated that at the meeting, each Commissioner expressed their unwillingness to approve the consolidation of the IT Departments under the administration of the City.

Councilmember Preisner stated that he would not support the resolution because the information presented to the County reflected incorrect amounts.

Councilmember Preisner moved to approve the resolution. The motion died due to a lack of second.

Councilmember Blackburn stated that the Council recently received a memorandum from Shawnee County Commissioners Ted Ensley and Vic Miller stating that they would now consider consolidating the IT Departments under the administration of the City.

Councilmember Alcalá stated that he would not support the resolution because an interlocal agreement has not yet been presented to Shawnee County.

Councilmember Haynes stated that it appears the City Manager has done what was requested by the Council.

Councilmember Blackburn moved to defer the resolution for one week to allow time for the City Manager to negotiate an interlocal agreement with the County.

Councilmember Alcalá made a substitute motion to disapprove the resolution. The motion seconded by Councilmember Ortiz carried. Councilmembers Kennedy, Haynes, Preisner and Harmon voted “no.” (5-4-0)

A REVISED PROJECT BUDGET in the amount of \$3,740,428 and RESOLUTION NO. 7992 introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget for the Enterprise Resource Planning (ERP) Improvement Project No. 170336, which provides for the acquisition, installation, and implementation of an enterprise-wide financial, human resources, and payroll system, as more specifically described herein, and specifically authorizing the expenditure of General Improvement Fund, Information Technology Fund, and lease purchase monies therefore, and repealing Resolution No. 7832, was presented.

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

Jim Langford, Budget and Finance Director stated that the resolution would authorize City staff to begin replacing the H.T.E. system with the Lawson software system. He explained the budgetary impact of the project, and stated that the lease purchase would be paid in full over a six year period, with annual payments of \$650,000 beginning in 2009.

Sherri Schoonover, ERP Project Manager reported on the bidding process, as well as, the financial breakdown of the SunGard software system and the Lawson software system. She stated that following extensive research by City staff, Lawson was best suited for the City's operations because of its greater functionality.

Councilmember Haynes asked how the City-County IT Department consolidation would be effected if the City approved the implementation of the Lawson software system.

Sherri Schoonover stated that Lawson has the capability of supporting both City and County operations.

Councilmember Blackburn asked if the cost associated with licensed users varies from year to year; if Lawson is comfortable with the implementation timeline; and if the system would implement the best management practices possible.

Bart Green, Lawson software system stated that they agree with the projected timeline. He also commended City staff for their hard work and dedication in finding a comprehensive solution for enhanced efficiency of City operations.

Norton N. Bonaparte, Jr. stated that he is confident that the Lawson software system is the most effective system to move City operations into the future.

Sherri Schoonover stated that the system is standardized for the implementation of achieving best business practices.

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

Councilmember Alcalá noted that the rate comparisons received from City staff for the SunGard BiTech and the Lawson software systems were very close. He also questioned the terms and conditions of the contract; who will underwrite the lease; the costs associated with importing data, maintenance, interfacing and the final cost of the system; and finally, who is the person responsible for notifying Lawson of deficiencies within the system and is money allocated to cover the costs.

In response, staff reported that the contract with Lawson is a not to exceed contract and cannot be altered without both parties agreeing; the lease purchase would be paid in full over a six year period, with annual payments of \$650,000 totaling \$3.9 million and total cost of the system and implementation would be \$4.2 million; an underwriter does not exist at this time because a lease agreement has not been executed; data conversion would take approximately four-hundred hours by a contracted vendor at approximately \$65 per hour; and the steering committee or project manager would be responsible for notifying Lawson of any deficiencies in the system, and approximately \$400,000 is reserved in a contingency fund for costs generated by deficiencies.

Councilmember Alcalá stated that he spoke with an H.T.E. system representative and confirmed that the current system could be upgraded in many areas; therefore, in his opinion, purchasing a new system is unnecessary.

The motion to approve the resolution carried. Councilmembers Alcalá, Ortiz and Blackburn voted “no.” (6-3-0)

A COMMUNICATION from City Manager Norton N. Bonaparte, Jr., outlining the terms and conditions of a contract between the City of Topeka and Lawson Software for the acquisition, implementation and maintenance of an Enterprise Resource Planning (ERP) System, and seeking City Council approval of said contract, was presented.

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

Councilmember Preisner moved to approve the communication. The motion was seconded by Councilmember Haynes.

Councilmember Alcalá stated that a large number of constituents have expressed their opposition to purchasing a new software system.

Bob Sherburne stated that he believes this would be an opportunity for the City and the County to begin positive communication between the two entities.

Myron Holter stated that, in his opinion, the importance of buying a software system should be based on the value and not the price.

Linda Wood stated that she supports the acquisition of the Lawson contract and commended each staff member for their hard work and dedication in selecting a new Enterprise Resource Planning software system for the City.

Norton N. Bonaparte, Jr., stated that the system is absolutely essential for the City to move forward, and allow staff to provide better service to internal and external customers.

The motion to approve the communication carried. Councilmembers Alcalá and Ortiz voted “no.” (7-2-0)

A COMMUNICATION authorizing a parking lot permit request submitted by Episcopal Diocese of Kansas/Grace Episcopal Cathedral for property located at 833 and 835 SW Polk Street in the City of Topeka, Kansas, was presented.

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

Pedro Irigonegaray, Alex Kovalchuk, Barb Quaney, Tom Bartlett, Doug Jones, Robert Banks, Maura Dingman, Peter Hancock, Hi Stockwell, Kathryn Hosfelt, Anne and Ed Spiess, Alvin Greeson, Janet Loebel, Joanne Harrison, Peter Muraski and Michael Bradley spoke in opposition of the appeal and encouraged the Council to preserve the City's history.

Bishop Don Wolfe, Dean Steve Lipscomb, Melodie Woerman and Cynthia Sheppard spoke in support of the appeal and expressed the importance of additional parking spaces for the elderly and disabled.

Councilmember Preisner moved to approve the communication. The motion was seconded by Councilmember Alcala.

Councilmember Alcala questioned the ruling of the State Historic Preservation Office and if possible legal issues could arise.

Brenden Long, City Attorney stated that the Council should consider all written and verbal facts when making a decision with the understanding that denial or approval of the communication could create legal issues.

The motion to approve the communication carried unanimously. (9-0-0)

Councilmember Alcala raised a point of order and stated that the time has exceeded 10:00 p.m.

Councilmember Preisner asked if the previous action taken by the Council was null and void.

Brenden Long, City Attorney stated that the action by the Council is valid because the point of order was raised after the votes were cast.

Alonzo Harrison appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 10:14 p.m.

Brenda Younger
City Clerk