

## **Council Minutes – March 4, 2008**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 4, 2008. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcalá, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -8. Mayor Bunten presided -1. Absent: Councilmember Ortiz -1.

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

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

THE CONSENT AGENDA was presented as follows:

COMMISSION APPOINTMENT for Pete Gierer to the Topeka Landmarks Commission for a term that would expire on March 31, 2011 was presented.

Minutes of the regular meeting of February 26, 2008 were presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for Dillon's Store #87 located at 5311 SW 22<sup>nd</sup> Place, was presented.

Councilmember Preisner moved to approve the consent agenda. The motion seconded by Councilmember Swank carried unanimously. (8-0-0)

A RESOLUTION introduced by Councilmember Jeff Preisner, authorizing and adopting the 2008-2009 Capital Improvement Budget for the City of Topeka, Kansas and rescinding Resolution No. 8018 was presented.

Councilmember Preisner reported that the proposed amendments to the 2008-2009 Capital Improvement Budget (CIB) and the 2008-2012 Capital Improvement Program (CIP) would eliminate \$620,000 of funding from the Signalization Replacement Program, and remove

\$2 million of the \$2.5 million set aside for the construction of Fire Station No. 13. He stated that he believes the amendments would help begin the process of prioritizing city street improvements.

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

Councilmember Haynes asked if the amendments would have to be authorized by the Council before the funding is allocated.

Norton N. Bonaparte, Jr., City Manager stated that approval of the resolutions would not authorize the allocation of funds at this time. He explained that approval would only authorize staff to create a detailed project budget of how the funds would be spent, which must be approved by the Council before the funds are allocated.

Councilmember Haynes expressed concern with how the shift in funding would affect other projects outlined in the 2008-2012 CIP. He suggested that the resolutions amending the 2008-2009 CIB and the 2008-2012 CIP be referred to the Public, Health and Safety Committee for further review.

Councilmember Alcalá expressed concern with eliminating funds from the Signalization Replacement Program. He stated that he believes it could create a potential safety issue.

Councilmember Haynes made a substitute motion to refer item 5A, a resolution authorizing and adopting the 2008-2009 Capital Improvement Budget and; item 5B, a resolution authorizing and adopting the 2008-2012 Capital Improvement Program to the Public, Health and Safety Committee. The motion was seconded by Councilmember Alcalá.

Councilmember Harmon stated that he supports the intent of the resolutions, and agrees that the streets are in desperate need of repair; however, studies show that there is also a need for

Fire Station No. 13. He asked if funding for the fire station would be included in the 2008-2009 CIB.

Norton N. Bonaparte, Jr., stated that the 2008-2009 CIB could be revised to include the \$2 million needed to construct Fire Station No. 13. He suggested that a Committee of the Whole meeting be scheduled to discuss how to amend the 2008-2009 CIB to insure the funding for the fire station is included.

Councilmember Blackburn asked if there is another funding source available for the new fire station.

Randy Speaker, Deputy City Manager of Operations stated that the City is negotiating with a potential outside funding source; however, he does not anticipate that the project will be fully funded.

Norton N. Bonaparte, Jr., noted that negotiations are still in the preliminary stages.

Councilmember Alcala expressed concern with the process in which funds are reallocated to the CIB once they are removed.

Councilmember Haynes urged the Council to allow the Public, Health and Safety Committee to study all of the options before considering the amendments at a Council meeting.

Councilmember Woelfel suggested that the resolutions amending the 2008-2009 CIB and the 2008-2012 CIP be deferred for one week to allow Council sufficient amount of time to review the proposed amendments.

Norton N. Bonaparte, Jr., stated that staff would supply the Council with alternate funding recommendations that would include funding for the new fire station.

Councilmember Preisner stated that it was never his intention to entirely eliminate the funding for Fire Station No. 13. He also stated that he would oppose referring the resolutions to Committee because he believes the issue needs to be addressed as soon as possible.

Councilmember Haynes withdrew the substitute motion to refer the resolutions to the Public, Health and Safety Committee. The second concurred.

Councilmember Kennedy left the meeting.

Councilmember Harmon made a substitute motion to defer item 5A, a resolution authorizing and adopting the 2008-2009 Capital Improvement Budget and; item 5B, a resolution authorizing and adopting the 2008-2012 Capital Improvement Program until March 11, 2008, with the understanding that the Committee of the Whole would meet to discuss the proposed funding amendments. The motion seconded by Councilmember Preisner carried unanimously.

(7-0-0)

A PETITION, A PROJECT BUDGET in the amount of \$639,325.40 and RESOLUTION NO. 8037 introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and adopting as amended Street Improvement Project No. 60610-02 which provides for paving streets in Capricorn Woods Subdivision and Capricorn Woods Subdivision No. 3, pursuant to K.S.A. 12-6a01, et seq., as amended, and rescinding City of Topeka Resolution of Advisability and Authorization No. 7680 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 Preisner carried unanimously. (7-0-0)

RESOLUTION NO. 8038 introduced by City Manager Norton N. Bonaparte, Jr., designating the official city newspaper was presented.

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

Councilmember Harmon moved to approve the resolution. The motion seconded by Councilmember Swank carried unanimously. (7-0-0)

ORDINANCE NO. 19050 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving the City expenditures for the period of February 11, 2008 through February 18, 2008, 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 Woelfel carried unanimously. Councilmember Blackburn was out of the room. (6-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Alcala, Woelfel, Haynes, Swank, Preisner and Harmon -6. Absent: Ortiz, Kennedy and Blackburn -3.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301002.00 (HTE 302810), which provides for exterior upgrades located at Central Park Community Center to comply with ADA regulations, 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., apportioning and levying a special assessment on certain lots and pieces of ground in the City Of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60604-01 with pavement, curb and gutter and all other contingencies needed to complete the project as

defined and described in Resolution No. 7495, adopted and approved July 20, 2004 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 upcoming community events. He also requested that the Council adjourn into executive session following the meeting to discuss legal matters subject to attorney-client privilege.

Councilmember Woelfel announced that the grand opening of Joe's Vagabonds Coffee Shop located at 3627 SE 29th Street would be held on March 7, 2008.

Brandon Crowell and Sandra Lassiter appeared to speak under public comment.

Councilmember Preisner moved to adjourn into executive session for a time period not to exceed two hours to discuss legal matters subject to attorney-client privilege. The motion seconded by Councilmember Blackburn carried. Councilmember Alcalá voted "no." (6-1-0)

Following a one-hour and 15-minute time period, Councilmember Preisner moved to reconvene into open session. The motion seconded by Councilmember Harmon carried unanimously. (7-0-0)

After the meeting reconvened into open session, Mayor Bunten announced that no action had been taken during the executive session.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:15 p.m.

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Brenda Younger  
City Clerk