

Council Minutes – February 10, 2009

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 10, 2009. 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, Chaplain John Potter gave the invocation.

POSTING OF THE COLORS was presented by the Highland Park Junior Reserve Officers' Training Corps.

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

A PRESENTATION of the Military Recognition Awards was given by David Fisher, Topeka Military Relations Committee Chairman.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8142 introduced by Councilmembers Lana Kennedy, Jeff Preisner and Jack Woelfel expressing support for the Tennessee Town II project was presented.

MINUTES of the regular meeting of February 3, 2009 was presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for 6th Street Quick Stop located at 1107 SW 6th Street, was presented.

A Dance Hall License application bearing the approval of the Chief of Police and City Inspectors for Club Nocturnal located at 4117 SW Huntoon, was presented.

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

Councilmember Kennedy moved to add a charter ordinance concerning the City Council's ability to override a mayoral veto to the February 17, 2009 City Council agenda under First Readings. The motion was seconded by Councilmember Swank.

Jackie Williams, City Attorney stated that the amendment would provide the City Council the ability to override a mayoral veto of Council legislation by a two-thirds (2/3) vote or six votes of the entire City Council.

The motion to add the charter ordinance concerning the City Council's ability to override a mayoral veto to the February 17, 2009 City Council agenda under First Readings carried unanimously. (9-0-0)

Councilmember Kennedy moved to add a charter ordinance calling an election to be held on April 7, 2009 for the purpose of voting on Charter Ordinance No. 98 to the February 17, 2009 City Council agenda under First Readings. The motion was seconded by Councilmember Preisner.

Councilmember Blackburn asked if the charter ordinances are approved would it have an affect on the appeal process regarding the recent Shawnee County District Court ruling relating to the City Council's ability to override a mayoral veto.

Jackie Williams stated that in his opinion, approval of the charter ordinances would not affect the appeal process.

The motion to add the charter ordinance calling an election to be held on April 7, 2009 for the purpose of voting on Charter Ordinance No. 98 to the February 17, 2009 City Council agenda under First Readings carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$50,000 and RESOLUTION NO. 8143 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Zoo Improvement Project No. T-301006.00 (HTE 302850), which provides for roof replacement of the Lion's Pride holding facility as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented.

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

Councilmember Swank asked how the estimated project improvement amounts were established.

Mike Coker, Zoo Director stated that the estimates were provided by local contractors.

Councilmember Preisner moved to amend the project budget in the amount of \$50,000 by allocating the funds as follows. The motion was seconded by Councilmember Kennedy.

- Allocate \$16,500 for roof replacement of the Lions Pride Holding Facility
- Allocate \$6,500 for roof replacement of the Security Benefit Pavilion Building
- Allocate \$9,200 for installation of backflow preventors on the Tropical Rainforest Building
- Allocate \$10,500 for installation of ceramic tile floor covering in the Gary K. Clarke Education Center
- Allocate \$7,300 for the replacement of sidewalks in the central and southern sections of the Zoo.

Councilmember Kennedy asked if the Friends of the Topeka Zoo (FOTZ) offered to match funds for any of the projects; and if the Security Benefit Group offered to contribute funds to the Security Benefit Pavilion Building improvements.

Mike Coker stated that they did not make a request for funding from FOTZ or the Security Benefit Group. He noted that FOTZ has provided funding for other projects.

The motion to amend the project budget in the amount of \$50,000 by allocating the funds as outlined by Councilmember Preisner carried. Councilmember Woelfel voted “no.” (8-1-0)

Councilmember Preisner moved to approve the project budget and resolution as amended. The motion was seconded by Councilmember Swank.

Councilmember Kennedy made a substitute motion to reduce the total project budget to \$33,000 by eliminating \$6,500 for the roof replacement on the Security Benefit Pavilion Building; and eliminating \$10,500 for the ceramic tile flooring of the Gary K. Clarke Education Center. The motion was seconded by Councilmember Alcalá.

Councilmember Haynes questioned if the project budget and resolution could be deferred to allow staff time to request funding assistance from the Security Benefit Group and FOTZ.

Norton N. Bonaparte, Jr., stated that corporations have a limited time frame to contribute funds to organizations and if that time frame has passed, the Zoo runs the risk of not receiving funding assistance for up to one year.

The substitute motion to reduce the total project budget to \$33,000 by eliminating \$6,500 for the roof replacement on the Security Benefit Pavilion Building; and eliminating \$10,500 for the ceramic tile flooring of the Gary K. Clarke Education Center failed. Councilmembers Ortiz, Haynes, Swank, Blackburn, Preisner and Harmon voted “no.” (3-6-0)

The motion to approve the project budget and resolution as amended carried. Councilmembers Kennedy, Alcala, Woelfel and Blackburn voted “no.” (5-4-0)

ORDINANCE NO. 19219 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of January 19, 2009, through January 25, 2009, 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., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on a portion of the property located at 6540 SW 10th Avenue and all of the property located at 6600 SW 10th Avenue from

“PUD” Planned Unit Development District TO “O&I-2” Office and Institutional District was presented for first reading. (Z09/1)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., assessing the costs of sidewalk repair to real properties, more specifically described hereinafter, all pursuant to the authority found in City of Topeka Code Section 130-373 through 130-378 and Section 126-96 through 126-102 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 Rockfire at the Lake Subdivision with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. 40947-00, as defined and described in Resolution No. 7811, adopted and approved June 6, 2006 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the amount of the authorized project budget and authorizing the project and amended budget for Improvement Project No. 70123-01, as more specifically described herein, pursuant to Section A12-1 of the Code of the City of Topeka, and repealing City of Topeka Ordinance No. 19144 was presented for first reading.

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL;

Norton N. Bonaparte, Jr., City Manager announced upcoming community events.

Councilmember Kennedy spoke in support of the sales tax resolution presented by Councilmember Haynes. She stated that the resolution is drafted in a manner that allows the taxpayers to determine how the sales tax revenue would be spent.

Councilmember Alcala requested a financial breakdown of the amount of funds that have been expended by the City on the Enterprise Resource Planning software system to date. He questioned why the City continues to pay personnel to support the software system. He also questioned the discrepancy of financial information provided to the Council by staff, and what was recently reported in the Topeka Capital Journal Newspaper relating to the software system. He requested that the Council be provided with a written explanation of the financial discrepancies as soon as possible.

Norton N. Bonaparte, Jr., clarified that the City has not paid any budgeted funds to Lawson Software or Municipal Services Group, Inc., the City's financing company; however, a payment of \$600,000 has been made to Lawson Software by the Municipal Services Group, Inc., on behalf of the City. He also stated that the financial information provided to the City Council by staff outlined the funds expended for other expenses related to the software system.

Jim Langford, Budget and Finance Director stated that he would provide a more detailed financial report to the City Council of the expenditures related to the software system.

Councilmember Ortiz announced that the East End Neighborhood Improvement Association monthly meeting would be held on February 12, 2009 at 6:30 p.m. at the Rice Community Center. She also asked if there was funding available to allocate to the community centers to allow them to operate on Saturdays.

Norton N. Bonaparte, Jr., stated that at this time they have not been able to identify any available funding for the community centers. He stated that a work session would be scheduled in the next three weeks to discuss with the City Council how and what was considered by staff to make the determination they did; the actual dollar amount involved; and staff's overall recommendations.

Councilmember Woelfel commended Councilmember Haynes on his proposed sales tax resolution and how it was drafted. He questioned why the imposition of the sales tax would expire in ten years since the maintenance and improvements of City streets; the costs of reducing crime; and the costs of flood control are ongoing expenses for the City.

Councilmember Haynes stated that constituents requested that the proposal include a sunset date.

Councilmember Blackburn requested a report on the estimated target amounts for vacancy credits for each department, as well as, what was attained by each department.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:00 p.m.

Brenda Younger
City Clerk