

Council Minutes – July 22, 2009

COUNCIL CHAMBER, Topeka, Kansas, Wednesday, July 22, 2009. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9. Mayor Buntgen presided -1.

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

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8180 introduced by Councilmember Larry Wolgast granting Shekinah Glory Ministries an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

MINUTES of the regular meeting of July 14, 2009 was presented.

AN OPEN AFTER MIDNIGHT License application bearing the approval of the Chief of Police and City Inspectors for Seabrook Bar & Grill located at 1003 SE Quincy, was presented.

A DANCE HALL License application bearing the approval of the Chief of Police and City Inspectors for Roostertail located at 830 N. Kansas Avenue, was presented

Councilmember Preisner moved to approve the consent agenda. The motion seconded by Councilmember Alcalá 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 Wednesday, July 22, 2009, at 6:00 P.M. relating to vacation request V09S/1 by Tom Woltkamp requesting to vacate a portion of NE Branner Street located between NE 1st Street and NE Atchison Street in the City of Topeka, Shawnee County, Kansas.

ORDINANCE NO. 19284 introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a portion of NE Branner Street in Klein's Addition extending from NE 1st Street to NE Atchison Street, City of Topeka, Shawnee County, Kansas placed on first reading July 14, 2009 was again presented. (V09S/1)

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 Alcalá carried unanimously. Mayor Bunten voted "yes." (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner, Harmon and Mayor Bunten -10.

ORDINANCE NO. 19285 introduced by City Manager Norton N. Bonaparte, Jr., concerning the restructuring of funds within the City's financial accounting system, amending City of Topeka Code Sections 2-334, 30-504, 106-226 through 106-229, 112-299 and 164-8 and specifically repealing said original sections and repealing sections 2-327, 2-328 and 2-329 placed on first reading July 14, 2009 was again presented.

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

Councilmember Ortiz questioned if the restructuring of funds would include the Health Insurance fund.

Councilmember Alcalá asked if the restructuring of funds would set aside funds for health insurance purposes in the General fund and Police Benefit fund. He stated that police officers have raised questions relating to the Health Insurance fund balance that was initially two million dollars and now it is one million dollars.

Jim Langford, Budget and Finance Director stated that approval would not have an effect on the Health Insurance fund balance. He reported that the change would transfer the funds from the Police Trust fund to a special Police Revenue fund to be used for the same purpose as before.

Councilmember Alcalá stated that he still has questions relating to the consolidation of certain funds.

Councilmember Alcalá moved to defer the ordinance for one week. The motion was seconded by Councilmember Ortiz.

Norton N. Bonaparte, Jr., City Manager stated that the proposed 2010 Operating Budget that was presented to the Council included the newly combined funds.

Councilmember Preisner made a substitute motion to adopt the ordinance. The motion was seconded by Councilmember Swank.

Councilmember Alcalá raised a point of order regarding parliamentary procedure. He questioned if a substitute motion could be used to adopt the ordinance.

Mayor Bunten overruled the point of order.

Councilmember Harmon asked if the ordinance is deferred would it have an effect on the publication of the public hearing notice for the budget.

Jim Langford stated that if the ordinance is not approved or is deferred for one week certain funds that are scheduled to be published in the public hearing notice would not be created and the City would not have the legal authority to transfer funds. He recommended that the Council approve the ordinance and delay the public hearing date for the budget for one week to allow additional time for questions to be answered.

Councilmember Ortiz spoke in support of deferring the ordinance and stated that she still has questions that relate to the Health Insurance fund.

Councilmember Alcala stated that he would forward the information he has received from police officers to the Council for their review.

Councilmember Swank spoke in support of the ordinance. She stated that approval would not prevent further discussion of the issue by the Council.

The substitute motion to adopt the ordinance carried. Councilmembers Alcala, Ortiz and Woelfel voted “no.” (6-3-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Wolgast, Swank, Archer, Preisner and Harmon -6. Noes: Alcala, Ortiz and Woelfel -3.

A PROJECT BUDGET in the amount of \$1,500,000 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-601014.00 (HTE 606530), which provides for neighborhood infrastructure improvements for two target areas – Central Park and Historic Holliday Park, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading July 14, 2009 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 Swank.

Councilmember Ortiz recognized the Central Park Neighborhood Improvement Association representatives present at the Council meeting, and commended them for their hard work throughout the community.

Councilmember Harmon asked if it would be possible for some of the repairs to be funded through sales tax revenues instead of general obligation bonds.

Mike Teply, Public Works Director stated that the 2009 Capital Improvement Program repairs are not eligible to be funded through sales tax revenue funds.

Councilmember Woelfel asked if the project budget could be amended or the timeframe could be moved forward to next year to allow for sales tax revenues to be used, while saving the City money by eliminating the need to bond the project.

Randy Speaker, Housing and Neighborhood Development Director stated that the process has been studied and the SORT (Stages of Resource Targeting) concept is working; however, when one component does not happen, other phases are affected. He also stated that a delay would lower the impact of the program; and the Council must consider the cost of financing compared to the cost of delaying the project due to the anticipated rise in the cost of building materials within the next six months. He suggested that the Council save money by amending the project budget to lower the interest rate from 5% to 1.5%.

Mayor Bunten questioned if the City could borrow funds for a short time and pay them back at the end of the year instead of funding the project through general obligation bonds.

Councilmember Alcala stated that he supports the project but does not support bonding the project for the next twenty years.

Jim Langford stated that he is not sure how much of the project costs would be eligible for the use of sales tax revenue funds.

Councilmember Hiller asked if the project could be funded through the City's pooled cash fund to allow the project to move forward. She stated that she is opposed to bonding the project for the next twenty years.

Pam Bowersox encouraged the Council to support the project and stated that she would like to see more park improvements within the neighborhood.

Vanessa Lamoreaux, SORT Project Director encouraged the Council to support the project. She noted that over twenty families have received benefits from the SORT Program. She thanked the Council for their continued support through the various stages in the last three years, as well as, City staff for their guidance throughout the process.

Councilmember Harmon suggested deferring the project for one week to research available funding sources.

Councilmember Harmon made a substitute motion to defer the project budget and ordinance for one week. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

APPROVAL of a three-year labor agreement between the City of Topeka and the Street Section of the International Brotherhood of Teamsters, Local No. 696 was presented. (*Contract No. 39655*)

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

Councilmember Woelfel stated that he would support the labor agreement because it is 100% funded by the Motor Fuel Tax fund.

Councilmember Preisner moved to approve the labor agreement. The motion seconded by Councilmember Alcala carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

AUTHORIZING a Public Hearing for the City of Topeka 2010 Operating Budget on August 4, 2009, and authorizing the publication of the Notice of Public Hearing was presented.

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

Councilmember Harmon reported that the Budget Committee recommended a 3.7 mill levy cap on July 20, 2009 by a vote of 7-1-0.

Councilmember Harmon moved to adopt the Budget Committee report. The motion seconded by Councilmember Preisner carried. Councilmembers Alcala and Woelfel voted “no.” Mayor Bunten voted “yes.” (8-2-0)

Councilmember Woelfel stated that he believes if the mill levy cap is set at 3.7 then it will be reached. He stated that he would not support the mill levy cap at this level.

Councilmember Preisner moved to approve the public hearing date and the publication of the public hearing notice. The motion seconded by Councilmember Alcala carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

ORDINANCE NO. 19286 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of June 29, 2009, through July 5, 2009, and enumerating said expenditures therein was presented for first and final reading.

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

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

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

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

Norton N. Bonaparte, Jr., City Manager announced that a new series of the City of Topeka Presents Program titled Discovering Topeka would air on City 4 several times over the next two weeks highlighting each Council District. He also announced upcoming community events; and the next Meet the Manager session would be held on July 23, 2009 from 8:30 a.m. to 9:30 a.m. at Nib’s House of Coffee located at 2525 NW Topeka Boulevard.

Councilmember Hiller stated that the Metropolitan Topeka Airport Authority announced a zero mill levy increase for 2010. She also stated that she is working hard to maintain a zero mill levy increase for the 2010 City Operating Budget.

Councilmember Ortiz recognized Boy Scout Troop No. 59 for attending the City Council meeting.

Councilmember Wolgast stated that he looks forward to attending the Likins-Foster Neighborhood Improvement Association meeting on July 27, 2009.

Councilmember Preisner stated that the Council should be mindful when earmarking sales tax revenue funds for projects before the funds are received. He also reminded the Council that when construction projects are approved throughout the city they are employing local services that will contribute to the local economy and community.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:59 p.m.

Brenda Younger
City Clerk