

Council Minutes – August 11, 2009

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 11, 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, Dr. David DePue, Capitol Ministries for Kansas Director gave the invocation.

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

A PRESENTATION on the Stages Of Resource Targeting (SORT) Program was presented by Randy Speaker, Housing and Neighborhood Development Director.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Matthew Gassen to the Topeka Metropolitan Transit Authority for a term that would end August 11, 2013 was presented.

BOARD APPOINTMENT recommending the appointment of Steve Kramer to the Topeka Metropolitan Transit Authority for a term that would end August 11, 2013 was presented.

RESOLUTION NO. 8184 introduced by Councilmember Deborah Swank granting Janelle Crips 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 4, 2009 was presented.

A CEREAL MALT BEVERAGE License application bearing the approval of the Chief of Police and City Inspectors for Godfather's Pizza, Inc., located at 5300 W 17th Street, was presented.

AN OPEN AFTER MIDNIGHT License application bearing the approval of the Chief of Police and City Inspectors for The Jet Ultra Lounge, L.L.C., located at 4117 SW Huntoon, was presented.

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

ORDINANCE NO. 19291 introduced by Councilmember Jeff Preisner establishing the Softball/Sports Facilities Reserve Fund in City of Topeka Code Section 2-322, amending the procedures established by Ordinance No. 16269 and repealing said ordinance placed on first reading August 4, 2009 was again presented.

Councilmember Preisner gave the staff report.

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

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

A PROJECT BUDGET in the amount of \$225,000 and ORDINANCE NO. 19292 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project T-701002.00 (HTE 702090), which provides for traffic signal replacement at S.W. 17th Street and S.W. MacVicar Avenue, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading August 4, 2009 was again presented.

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

Councilmember Preisner commended staff for working with area residents and finding a solution to the traffic safety problems and improving the intersection.

Mayor Bunten expressed concern with the City's overall bonded indebtedness. He asked if the City has appropriations set aside within the budget for traffic signal improvements. He noted that the City would pay a significant amount of money in interest costs if the project is approved.

Jim Langford, Budget and Finance Director reported that currently there are no additional funds set aside for traffic improvements in the budget. He stated that historically, twenty-year general obligation bonds are issued for traffic signal improvements because there is no additional funding set aside in the annual operating budget.

Councilmember Swank noted that there have been multiple traffic accidents at the intersection; the traffic signal was installed in 1976; and the intersection has a high volume of pedestrian traffic.

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

Councilmember Woelfel asked if this particular traffic signal has a history of maintenance issues.

Mike Teply, Public Works Director stated that the traffic signal does not have a history of maintenance issues; however, the traffic signal is aged and needs to be replaced.

Councilmember Woelfel expressed concern with the City's budgetary constraints. He stated that he would not support the project because he believes it is not a necessity at this time. He noted that the traffic safety problems are directly related to vehicles, not pedestrians; and the traffic signal is not malfunctioning or failing.

Councilmember Swank stated that she is also concerned with the City's budgetary constraints; however, if they continue to delay maintenance on traffic signals it will cost the City more over time.

The motion to approve the project budget and adopt the ordinance carried. Councilmember Woelfel voted “no.” (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Wolgast, Swank, Archer, Preisner and Harmon -8. Noes: Woelfel -1.

A PROJECT BUDGET in the amount of \$550,000 and ORDINANCE NO. 19293 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-831000.00 (HTE 830070), which provides for the design of corrective measures for four levee units, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading August 4, 2009 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 Alcalá carried unanimously. (9-0-0)

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

RESOLUTION NO. 8185 introduced by City Manager Norton N. Bonaparte, Jr., adopting the 2008-2009 Capital Improvement Budget for the City of Topeka, Kansas and rescinding Resolution No. 8136 was presented.

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

Councilmember Hiller moved to approve the resolution. The motion seconded by Councilmember Archer carried unanimously. (9-0-0)

RESOLUTION NO. 8186 introduced by City Manager Norton N. Bonaparte, Jr., adopting the 2008-2012 Capital Improvement Program for the City of Topeka, Kansas and rescinding Resolution No. 8137 was presented.

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

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Swank carried unanimously. (9-0-0)

A THREE-YEAR LABOR AGREEMENT between the City of Topeka and the Kansas Association of Public Employees of Local No. 6406, Technical and Fiscal Staff and Clerical, Service and Maintenance was presented. (*Contract No. 39722*)

Norton N. Bonaparte, Jr., City Manager gave the staff report and stated that it would cost the City approximately \$350,000 annually in 2010 and 2011.

Mayor Bunten stated that one-third of the annual cost of the labor agreement would be funded through the general fund.

Councilmember Preisner moved to approve the labor agreement. The motion seconded by Councilmember Alcalá carried. Mayor Bunten voted “yes”. Councilmember Woelfel voted “no.” (9-1-0)

ORDINANCE NO. 19294 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of July 20, 2009 through July 26, 2009, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Wolgast moved to adopt the ordinance. The motion seconded by Councilmember Woelfel carried. Councilmember Alcalá voted “no.” (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -8. Noes: Alcalá -1.

ORDINANCE NO. 19295 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 1009 SW Fillmore Street from “O&I-2” Office and Institutional District TO “M-1” Two-Family Dwelling District placed on first reading August 4, 2009 was again presented.
(Z09/5)

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

Mayor Bunten asked if there were any exparte communications besides Councilmembers Hiller and Alcalá. There were none declared.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Woelfel 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.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code creating Article 9 in Chapter 2, establishing an appeal and administrative hearing process for the City was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager commended citizens for participating in the city-wide National Night Out Against Crime event.

Councilmember Hiller commended neighborhood organizations and citizens for participating in the National Night Out Against Crime event.

Councilmember Ortiz commended citizens for participating in the National Night Out Against Crime event. She stated that the railroad retirees have expressed concern with the recent funding cuts for the Heartland Flyer and local Amtrak train services. She reported that she is in the

process of drafting a resolution of support for Amtrak train station facility improvements; and the SE 4th Street repairs are almost complete.

Councilmember Swank commented on the art and musical events she recently attended and encouraged citizens to participate in future area events.

Councilmember Preisner commended fellow Councilmembers for working hard on the 2010 operating budget. He announced that the next budget committee meeting would be held on August 17, 2009 at 5:30 p.m. in the Cyrus K. Holiday Building. He asked what the City's total bonded indebtedness was in relation to property taxes.

Mayor Bunten distributed suggestions for the 2010 Operating Budget. He requested that the Council review the handout and submit their comments to him.

Larry Cobler and Hi Stockwell appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:04 p.m.

Brenda Younger
City Clerk