

Council Minutes – November 10, 2009

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 10, 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 and Harmon -8. Absent: Councilmember Preisner and Mayor Bunten -2.

AFTER THE MEETING was called to order, Pastor Dale Greer, Town and Country Church gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Ted Heim to the Community Corrections Advisory Board for a term that would end November 10, 2011 was presented.

BOARD APPOINTMENT recommending the re-appointment of Lazone Grays to the Community Corrections Advisory Board for a term that would end November 10, 2011 was presented.

BOARD APPOINTMENT recommending the re-appointment of Mary Bradshaw to the Community Corrections Advisory Board for a term that would end November 10, 2011 was presented.

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

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for New China Restaurant located at 201 SW 29th Street was presented.

Open After Midnight License applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

BUSINESS

Jump Start

Jump Start

ADDRESS

810 SE 15th Street, #2

2841 SE Croco Road

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

RESOLUTION NO. 8214 introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting for the City of Topeka, Kansas, the 2010-2014 Capital Improvement Program and the 2010-2011 Capital Improvement Budget was presented. The resolution was deferred from the meeting of October 27, 2009.

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

Braxton Copley, Deputy City Attorney clarified the procedure to amend the resolution. He suggested approving Attachment A of the resolution, the spreadsheet outlining the amendments followed by approval of the resolution as amended.

Councilmember Hiller moved to amend the 2010-2014 Capital Improvement Program and the 2010-2011 Capital Improvement Budget as outlined in Attachment A of the resolution. The motion was seconded by Councilmember Alcalá.

Councilmember Alcalá requested to use any remaining funds allocated to the Garfield Community Center Pool Project in the amount not to exceed \$150,000 to be utilized for the Downtown North Topeka Arts Project.

Councilmember Harmon asked if Councilmember Alcalá's request could be included as a provision to the Garfield Community Center project budget document when it is considered by the Council.

Councilmember Alcalá stated that he made the request at this time so it would not be overlooked when the project budget is discussed at a later date.

Norton N. Bonaparte, Jr., noted that when the Downtown North Topeka Arts project budget is presented to the Council the stipulation to utilize any remaining funds could be added to the project budget document at that time.

Braxton Copley questioned if including the provision at this time would be acceptable to the bond counsel. He agreed that when the project budget is presented to the Council a provision could be included in the project budget document and the Capital Improvement Program and Capital Improvement Budget could be amended at the same time.

Norton N. Bonaparte, Jr., noted the Council has the authority to amend the Capital Improvement Program and Capital Improvement Budget at any time.

Councilmember Hiller requested that any excess of project funds should be utilized for other projects that may fall short of funding. She noted that this rule should apply to all projects.

Councilmember Alcala encouraged councilmembers to study the projects located within their district to fully utilize funding.

Councilmember Hiller stated that the final phase of the Washburn-Lane Parkway Lighting Project is in need of \$100,000 of matching funds and would not be included at this time; however, it would be added at a later date provided the matching funds were approved.

The motion to amend the 2010-2014 Capital Improvement Program and the 2010-2011 Capital Improvement Budget as outlined in Attachment A of the resolution carried unanimously.
(8-0-0)

Councilmember Hiller moved to approve the resolution as amended. The motion was seconded by Councilmember Wolgast.

Councilmember Hiller withdrew the motion to approve the resolution as amended. The second concurred.

Councilmember Hiller moved to amend the language of the resolution. The motion was seconded by Councilmember Wolgast. The language amendments were distributed as follows:

- Insert the statement, "To the extent possible, the utilities or enterprise funds will strive to use operating funds to finance projects instead of bonds, notes, loans or other debt instruments. To the extent possible, the neighborhood infrastructure project and complete street enhancements will be funded by revenue from the special purpose half cent sales tax in lieu of general obligation bonds, temporary notes or other debt instruments." beginning on Line 23
- Insert the statement, "authorizing the 2008-2009 CIB" after the word "8157" beginning on Line 39
- Insert the statement, "authorizing the 2008-2012 CIP" after the word "8158" beginning on Line 40
- Insert the statement, "Further, the implementation of any project included in the 2008-2009 CIB approved by Resolution No. 8157 shall require approval of the City Council by passage of the applicable ordinance or resolution prior to March 31, 2010." beginning on Line 41

Councilmember Archer questioned the language of the amendments specifically relating to the Complete Streets Concept. He stated that the citizens did not vote on the inclusion of the Complete Streets Concept, and they expect the streets, curbs, gutters and potholes to be repaired.

Councilmember Hiller stated that she believes the Council should instruct City staff to fund projects with cash instead of borrowing money when feasible. She also stated that she believes it is the City's responsibility to provide streets that are safe and functional for all people.

Councilmember Swank spoke in opposition to the language amendments and stated that it is not necessary to resolve the policy issues related to the Complete Streets Concept at this time.

Councilmember Woelfel questioned the Complete Streets Concept philosophy. He stated that he believes it was not the intent of the voters to use the half-cent sales tax funds for the funding of complete street enhancements.

Councilmember Wolgast expressed concern with the language of the resolution. He stated that he believes the Complete Streets Concept should be addressed separate from the half-cent sales tax funds which should be used for the appropriate programs as promised to the voters.

Councilmember Harmon suggested striking the following statement beginning on Line 24 of the resolution, “To the extent possible, the neighborhood infrastructure project and complete street enhancements will be funded by revenue from the special purpose half cent sales tax in lieu of general obligation bonds, temporary notes or other debt instruments.”

Councilmember Hiller suggested striking only the words “and complete street enhancements” on Line 25 of the resolution.

Councilmember Woelfel stated that he concurs with Councilmember Hiller.

Councilmember Archer stated that he would support approval of the original resolution.

The motion to amend the language of the resolution as distributed by Councilmember Hiller failed. Councilmembers Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer and Harmon voted “no.” (1-7-0)

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

Councilmember Woelfel made a substitute motion to approve the following language amendments to the resolution. The motion seconded by Councilmember Hiller carried.

Councilmembers Alcalá, Swank and Archer voted “no.” (5-3-0)

- Insert the statement, "authorizing the 2008-2009 CIB" after the word “8157” beginning on Line 39
- Insert the statement, "authorizing the 2008-2012 CIP" after the word “8158” beginning on Line 40
- Insert the statement, "Further, the implementation of any project included in the 2008-2009 CIB approved by Resolution No. 8157 shall require approval of the City Council by passage of the applicable ordinance or resolution prior to March 31, 2010." beginning on Line 41.

RESOLUTION NO. 8215 introduced by Councilmember Bob Archer regarding the City of Topeka becoming a Vision Partner of the Heartland Visioning Strategic Plan was presented.

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

Councilmember Archer stated that he supports the Heartland Visioning process and endorses the strategic plan. He encouraged all government entities within Shawnee County to support the Heartland Visioning Strategic Plan.

Councilmember Archer moved to approve the resolution. The motion seconded by Councilmember Hiller carried. Councilmember Woelfel voted “no.” (7-1-0)

A RESOLUTION introduced by Deputy Mayor Richard Harmon adopting the City of Topeka’s legislative agenda for the 2010 legislative session was presented.

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

Councilmember Woelfel moved to defer the resolution until November 24, 2009. The motion seconded by Councilmember Harmon carried unanimously. (8-0-0)

RESOLUTION NO. 8216 introduced by City Manager Norton N. Bonaparte, Jr., establishing a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act, K.S.A. 12-17, 114 et seq., was presented.

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

Councilmember Alcalá moved to approve the resolution. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

ORDINANCE NO. 19333 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of October 19, 2009, through October 25, 2009, and enumerating said expenditures herein 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 Swank carried unanimously. (8-0-0)

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

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 property located at 1168 SW Mission Avenue from “R-1” Single Family Dwelling District TO “O&I-1” Office and Institutional District was presented for first reading. (Z09/7)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-141006.00 (HTE 141340), which provides for installation of a new traffic signal at SE 4th and Branner, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager announced that City offices would be closed November 11, 2009 in observation of the Veterans Day holiday; the Topeka Zoo is offering free admission to all citizens in honor of Veterans Day; and the City was pleased to receive a donation from the Personalized Brokerage Service in the amount of \$8,651 to purchase safety vests for the Fire Department.

Councilmember Alcalá asked what it would cost to transfer the pedestrian crosswalk signal light located at the intersection of SE 4th and Branner Streets to the intersection of SE Chandler and Seward Streets. He stated that by utilizing the alternate intersection it would increase the safety of school children and citizens during the Fiesta Mexicana Celebration.

Councilmember Ortiz thanked the Personalized Brokerage Service for donating money to the Fire Department. She requested the installation of sidewalks at the Central Park Community Center parking lot area.

Councilmember Archer reminded citizens to keep the community of Fort Hood, Texas in their thoughts and prayers this Veterans Day.

Edward Kirtdoll appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:08 p.m.

Brenda Younger
City Clerk