

Council Minutes – December 15, 2009

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 15, 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 Bunten presided -1.

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

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

Norton N. Bonaparte, Jr., City Manager requested to withdraw item 4D, denial of a civil claim appeal by Gwendolyn Lehman from the consent agenda.

Upon hearing no objections, Mayor Bunten announced that item 4D would be removed from the Council agenda.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8227 introduced by Councilmember Deborah Swank granting Ryan Johnson an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

BOARD APPOINTMENT recommending the re-appointment of Joyce Grigsby to the Human Relations Commission for a term that would end December 15, 2011 was presented.

BOARD APPOINTMENT recommending the re-appointment of Susan Zuber-Chall to the Human Relations Commission for a term that would end December 15, 2011 was presented.

MINUTES of the regular meeting of December 8, 2009 was presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for the Pizza Parlor located at 1919 NE Seward Avenue was presented.

Dance Hall License applications bearing the approval of the Chief of Police and City

Inspectors were presented for the following:

<u>BUSINESS</u>	<u>ADDRESS</u>
American Legion Post #400	3029 NW Hwy 24
Azteca Club	1201 SE 6 th Avenue
Kansan Grill	705 S. Kansas Avenue
The Roostertail	830 N. Kansas Avenue
The Tool Shed Tap	921 S. Kansas Avenue

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

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of 2009 Operating Budget funds.

ORDINANCE NO. 19343 introduced by City Manager Norton N. Bonaparte, Jr., approving and adopting certain amendments to the operating budget for the City of Topeka, for the year 2009, and appropriating the amounts for the purpose set forth therein was presented for first and final reading.

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

Joseph Ledbetter expressed concern with the City allocating funds to Cypress Ridge Golf Course. He noted that Shawnee County offered to take ownership of the golf course several years ago.

Jim Langford, Budget and Finance Director stated that the amendment would increase expenditure limits for the Golf Course Improvement fund and the Transient Guest Tax fund; and authorize transfers for expenditures and projects from the County-wide half-cent sales tax, General fund and Special Street Repair fund.

Councilmember Preisner moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

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

Councilmember Woelfel expressed concern with the number of projects on the agenda and the associated costs. He stated that he believes the Council needs additional time to research the projects and make an informed decision.

Councilmember Woelfel moved to defer Unfinished Business agenda items 6A through 6U on or before March 9, 2010. The motion was seconded by Councilmember Preisner.

Councilmember Alcala spoke in support of postponing the projects. He requested additional information on the City’s bonding process, as well as, the interest and indebtedness limits for the last five years.

Jim Langford, Budget and Finance Director stated that the debt limit is defined in state statute as thirty percent of the total assessed valuation including motor vehicles subtracting from that total the total bonded indebtedness. He reported that in 2006 the Council established an annual Capital Improvement Program cap of \$10.2 million; however, the Council reduced the cap to \$9 million for the 2010-2014 Capital Improvement Program.

Councilmember Preisner asked what the total amount of bonded indebtedness for the City is to date.

Jim Langford stated that the City has a total of \$4.5 million of new general obligation bond projects; of which \$3.2 million is for City projects; and \$1.3 million is for benefit districts. He commended staff for following through with the plan at the direction of the Council.

Councilmember Hiller spoke in opposition to postponing the projects. She stated that all of the projects were discussed in a very thorough budget process and commended staff for presenting the projects.

The motion to defer Unfinished Business agenda items 6A through 6U on or before March 9, 2010 failed. Councilmembers Hiller, Wolgast, Swank, Archer, Preisner and Harmon voted “no.” (3-6-0)

Councilmember Woelfel moved to defer Unfinished Business agenda items 6A through 6U with the exception of agenda items 6E, and 6H through 6K on or before March 9, 2010. The motion was seconded by Councilmember Preisner.

Councilmember Preisner expressed concern with the projected revenues for 2010. He requested that staff do not exceed the amount of funds that are available in the pooled cash fund.

Norton N. Bonaparte, Jr., stated that staff intends to spend cash only as it is received. He noted that once the funds are received then projects would be decided.

Councilmember Woelfel questioned how projects would be funded if the half-cent sales tax revenue funds are not generated as projected.

Jim Langford stated that the City would receive the revenues from the half-cent sales tax on a monthly basis making the funds easy to track. He also stated that the pooled cash fund could be used as needed and reimbursed with the half-cent sales tax revenues as they are received.

Councilmember Woelfel expressed concern with authorizing \$11 million in expenditures prior to receiving enough half-cent sales tax funds to cover the cost. He stated that he would not support the expenditures.

The motion to defer Unfinished Business agenda items 6A through 6U with the exception of agenda items 6E, and 6H through 6K on or before March 9, 2010 failed. Councilmembers Hiller, Alcalá, Ortiz, Wolgast, Swank, Archer, Preisner and Harmon voted “no.” (1-8-0)

A PROJECT BUDGET in the amount of \$154,000 and ORDINANCE NO. 19344 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-121000.00 (HTE 120650), which provides for the first phase of construction of the bridge on 49th Street over Shunga Creek, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

Joseph Ledbetter spoke in opposition to the project. He stated that it appears the bridge and road would benefit the new industrial park acquired by the Growth Organization (GO) of Topeka; therefore, he believes GO Topeka should fund the project. He expressed concern with not using the funds to build the road instead of the bridge.

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

Councilmember Woelfel stated that the entire project would add \$1 million of bonded indebtedness to the City. He asked what the projected start date of the project is; and if the Joint Economic Development Organization (JEDO) has been asked to contribute to the costs of the project.

Bernie Cosby, City Engineer stated that construction of the project would start in eighteen months. He noted that the bridge is obsolete and the improvement would benefit other area businesses, as well as, the new industrial business park.

Mayor Bunten stated that JEDO has the title of ownership to the property and the City owns the road; therefore, it is the responsibility of the City to build the road.

Councilmember Wolgast stated that it is vitally important for the City to provide services for economic development. He also stated that the road is heavily used by truck traffic and the bridge improvement would be a positive impact to surrounding businesses.

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, Alcala, Ortiz, Wolgast, Swank, Archer, Preisner and Harmon -8. Noes: Woelfel -1.

A PROJECT BUDGET in the amount of \$225,000 and ORDINANCE NO. 19345 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-131011.00 (HTE 131740), which provides for replacement of HVAC control system for the municipal building, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

Joseph Ledbetter stated that in 1991 residents were told the Topeka Performing Arts Center (TPAC) would be self-sufficient. He suggested installing zone or meter heating so that the City would know how much is allocated for TPAC’s utility bill annually.

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

Councilmember Preisner asked if the project was part of the 2004 Energy Audit conducted by Chevron.

Councilmember Woelfel asked if a major overhaul of the Municipal Building heating and cooling system has been scheduled.

Councilmember Swank asked if an energy savings component could be installed to monitor the heating and cooling system.

Councilmember Archer asked if the HVAC controls upgrade would generate any cost savings.

Mike McGee, Public Works Deputy Director reported that the projects mentioned in the 2004 Energy Audit conducted by Chevron have been completed; the new controls would help regulate the temperature in the Municipal Building to keep the temperature constant in each immediate working area; there would be a slight cost savings because the new controls may eliminate the need to call outside contractors to fix outdated controls; and the need for a major overhaul of the heating and cooling system in the Municipal building is not scheduled at this time.

The motion to approve the project budget and adopt the ordinance 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 \$102,400 and ORDINANCE NO. 19346 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-141000.02 (HTE 141282), which provides for the replacement of traffic signal controllers city-wide, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

Joseph Ledbetter asked if the project would eliminate poor traffic signal cycles. He expressed concern with bonding such a small amount.

Councilmember Woelfel asked if the project would complete the traffic controller upgrade plan.

Linda Voss, City Traffic Engineer stated that it is not the intent of the project to control the traffic signal cycles; however, it would help because the newer equipment allows for better programming of the signalization. She also stated that the project would complete the city wide traffic controller upgrade plan.

Councilmember Archer spoke in support of the project. He commended staff for providing a fact sheet showing the rationale for making a solid financial decision. He requested that staff provide the same type of financial fact sheet for all projects presented to the Council.

Councilmember Preisner moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Archer 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 \$715,000 and ORDINANCE NO. 19347 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-141008.00 (HTE 141360), which provides for traffic signal replacements at four intersections, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

Joseph Ledbetter asked how much the City is being charged for bond counsel services.

Mayor Bunten stated that the intersections located at NE Seward and NE Freeman; SW 25th Street and Fairlawn Road; SW 10th Street and Gage Boulevard; and SE 29th and SE California all seem to be functioning fine. He asked if the project is a necessity at this time.

Linda Voss, City Traffic Engineer stated that all traffic signals need to be replaced after a certain time period, with thirty years being the maximum time allowable. She noted that the

conduit underground is thirty plus years old and the City should upgrade as many traffic signals as possible so the signals do not fail due to age.

Councilmember Archer asked if traffic signal replacements are based on age.

Linda Voss stated that the oldest traffic signals in the city are included in this project and the cost also includes the wiring.

Councilmember Woelfel asked when construction would begin; and how much a traffic signal would cost.

Linda Voss stated that the project would begin in one year; and the average cost of a traffic signal ranges from \$170,000 to \$180,000.

Councilmember Preisner moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Swank 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 \$250,000 and ORDINANCE NO. 19348 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-241005.00 (HTE 241240), which provides for city-wide 50/50 sidewalk repairs, as more specifically described herein placed on first reading December 8, 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 was seconded by Councilmember Archer.

Councilmember Woelfel made a substitute motion to amend the ordinance to strike the word “residential” from line 19. The motion died due to a lack of a second.

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, Alcala, Ortiz, Wolgast, Swank, Archer, Preisner and Harmon -8. Noes: Woelfel -1.

A PROJECT BUDGET in the amount of \$250,000 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-241006.00 (HTE 241250), which provides for construction of a new sidewalk on the north side of SW 10th Avenue, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

Mayor Bunten questioned the sidewalk obligation of the property owner.

Braxton Copley, Deputy City Attorney stated that existing sidewalks are the responsibility of the property owner; however, new sidewalks are the responsibility of the developer.

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

Councilmember Archer spoke in opposition to the project. He stated that he believes it benefits only a small group of citizens. He also expressed concern with the sidewalks being constructed and then torn up within a year when the Street Maintenance Program projects begin.

Councilmember Woelfel asked when the sidewalk for the new Kansas Children’s Discovery Center would be constructed.

Councilmember Swank asked if measures could be taken to reduce the risk of destroying the sidewalk around Gage Park once the Street Maintenance Program projects begin.

Mike Teply, Public Works Director stated that the Kansas Children's Discovery Center project does not include installation of a sidewalk. He also stated that the sidewalk project for SW 10th Street from Fairlawn to Gage Boulevard is tentatively scheduled for 2014; however, projects would be reviewed annually as sales tax revenues are received to see exactly which streets need repaired. He noted that most streets would likely receive mill and overlay with the possibility of removing existing sidewalks due to narrow streets. He also stated that the sidewalk would serve pedestrians entering Gage Park; however, because the street is so narrow, more right-of-way may have to be acquired.

Councilmember Preisner requested deferring the item. He stated that he needs additional time for staff to respond to his questions.

Councilmember Hiller stated that the sidewalk could be constructed in a way to meander through Gage Park, drawing attention to the park and the Kansas Children's Discovery Center. She suggested that the Council could direct staff to construct the sidewalk in this manner.

Councilmember Preisner made a substitute motion to defer the project budget and ordinance until January 5, 2010. The motion seconded by Councilmember Ortiz carried.

Councilmember Woelfel voted "no." (8-1-0)

A PROJECT BUDGET in the amount of \$150,000 and ORDINANCE NO. 19349 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-241007.00 (HTE 241260), which provides for city-wide infill sidewalks, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

Joseph Ledbetter expressed concern with bonding such a small amount and the closing of major thoroughfares when making the improvements. He asked what the City is being charged for bond service fees.

Jim Langford, Budget and Finance Director stated that the cost of the bond issuance fees are estimated at two percent which covers printing; Moody's Investment Group services; drafting the resolution and ordinance; bond counsel who renders an opinion on projects that are bonded; a financial advisor who handles the preliminary and official statements; fees for the official bidding for the sale of the bonds, and other miscellaneous costs.

Councilmember Archer asked where the sidewalk gaps are located and if residents can apply for the 50/50 sidewalk program to help with installation costs. He expressed concern with the City being 100% responsible for the costs when the property owner did not have sidewalks installed in the first place.

Mike Teply, Public Works Director stated that all infill sidewalk projects would be constructed in conjunction with street maintenance projects. He also stated that some sidewalks are located in residential areas and would be paid for by half-cent sales tax revenue funds.

Councilmember Preisner stated that the City did not always require developers to install sidewalks; therefore, there are many communities without sidewalks.

Councilmember Hiller stated that the infill sidewalk program is designed to give all residents the opportunity for improvements to be done regardless of whether street maintenance projects are done. She expressed concern with the language of the ordinance and stated that it was her intent to have this project available anywhere in the city that it is needed.

Councilmember Wolgast moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Swank carried. Councilmembers Woelfel and Archer voted "no." (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Wolgast, Swank, Preisner and Harmon -7. Noes: Woelfel and Archer -2.

A PROJECT BUDGET in the amount of \$11,431,000 and ORDINANCE NO. 19350 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-841010.00 (HTE 843600), which provides for city-wide maintenance and improvements on existing streets, as more specifically described herein, and authorizing Improvement Project No. T-841012.00 (HTE 843620), which provides for the design of the projects in the 2011 Street Maintenance Program placed on first reading December 8, 2009 was again presented.

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

Joseph Ledbetter expressed concern with the amount of the engineering fees; if the City is offering the bid to several companies; would the projects be bid again if revenues slow and the projects stop; and would all necessary bid procedures be followed.

Mike Teply, Public Works Director reported that thirteen firms submitted a bid for the projects and four engineering firms were selected for the 2010 projects.

Councilmember Swank commended staff for moving forward with the 2010 Street Maintenance projects.

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

Councilmember Woelfel questioned cost inconsistencies relating to the asphalt for some of the projects.

Mike Morrissey, City Engineer reported that on some of the projects a small amount of funding was included for the purpose of trying a new asphalt sealant that would help preserve the asphalt. He noted that the City is experimenting with the product to see how the process works with the freeze and thaw cycles in Kansas.

Mike Teply stated that the City would perform as much of the project services as possible and the remaining services would be completed by an outside contractor.

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 \$500,000 and ORDINANCE NO. 19351 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-841011.00 (HTE 843610) which provides for ADA accessible sidewalk ramps throughout the City, as more specifically described herein placed on first reading December 8, 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 was seconded by Councilmember Archer.

Councilmember Ortiz questioned if the project would include the entire city.

Mike Teply, Public Works Director stated that the project would focus on specific areas and as complaints are received staff would make an assessment. He noted that a city wide review would be conducted in 2010.

Braxton Copley, Deputy City Attorney stated that the language in the ordinance covers city wide ADA accessible sidewalk ramp improvements at specified locations.

Councilmember Alcalá stated that the complaint process works and commended staff for the prompt response time.

Councilmember Woelfel stated that he has voted in opposition to the projects because the City does not currently have the funds for the projects. He noted that if the City waited until the half-cent sales tax revenues funds were received the projects would only be delayed 90-120 days.

Councilmember Alcalá expressed concern with using revenue funds before actually receiving the funds.

Jim Langford, Budget and Finance Director stated that staff would review revenues as they are received and projects would be planned accordingly. He noted that if revenues are not being received as projected pooled cash would be used and then reimbursed when revenues are received.

Norton N. Bonaparte, Jr., stated that projects would be delayed for one year if the City waits for revenues to be received prior to beginning the projects. He reported that project bids, design and construction cannot begin until the Council approves the project budget.

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 \$1,000,000 and ORDINANCE NO. 19352 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-841008.00 (HTE 843580), which provides for city-wide curbs, gutters and street repairs, as more specifically described herein placed on first reading December 8, 2009 was again presented.

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

Joseph Ledbetter expressed concern with the reimbursement of City staff services and stated that he believes it is outside the scope of the intended use of half-cent sales tax funds and the ballot question. He stated that the City government should practice transparency.

Norton N. Bonaparte, Jr., stated that it is the opinion of the City Legal Department that half-cent sales tax funds could be used for the reimbursement of City services.

Councilmember Woelfel asked if any remaining project funds could be used to fund other projects.

Norton N. Bonaparte, Jr., stated that the Council would decide how the funds would be utilized.

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

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

A PROJECT BUDGET in the amount of \$100,000 and ORDINANCE NO. 19353 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-841009.00 (HTE 843590), which provides for city-wide alley repairs, as more specifically described herein placed on first reading December 8, 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 was seconded by Councilmember Archer.

Councilmember Woelfel asked the specific locations of the alleys in need of repair.

Mike Teply, Public Works Director referenced the proposed draft of the 2009 Half-Cent Sales Tax City-Wide Street Maintenance 10-Year Program dated October 12, 2009. He noted that the four alleys listed in the program would be repaired with the exception that the 1900 block from Fillmore to Western should read the 2000 block from Fillmore to Western.

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 \$529,600 and ORDINANCE NO. 19354 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301005.00 (HTE 302840), which provides for the extension of Landon Trail, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

Joseph Ledbetter expressed concern with making improvements to a trail that is not utilized often. He also expressed concern with bonding such a small amount; and asked if the project is necessary at this time.

Councilmember Woelfel asked why the Landon Trail project was not completed in 2007 and 2008.

Terry Bertels, Parks and Recreation Department Director stated that the project began the design phase in 2007 and 2008; however it was delayed due to the amount of time it took to receive the grant from the Kansas Department of Transportation.

Councilmember Preisner moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Swank 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 \$242,250 and ORDINANCE NO. 19355 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301009.01 (HTE 302881), which provides for building improvements to city-wide community centers, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

Joseph Ledbetter expressed concern with the City's bonded indebtedness. He stated that it is the Council's responsibility to determine what is best financially for the City and he believes there is no financial justification for the project at this time.

Mayor Bunten expressed concern with the large project budget.

Councilmember Ortiz asked if the project included ADA upgrades and addresses the drainage problems.

Terry Bertels, Parks and Recreation Department Director stated that the projects would modernize and make the buildings energy-efficient. He also stated that the exterior doors would be ADA compliant; however, no other ADA upgrades were included in the project.

Councilmember Woelfel moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Hiller carried. Councilmember Woelfel voted "no." (8-1-0)

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

A PROJECT BUDGET in the amount of \$695,000 and ORDINANCE NO. 19356 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301015.00 (HTE 302940), which provides for cart paths at Cypress Ridge Golf Course, as more

specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

Joseph Ledbetter spoke in opposition of the project and stated that he does not believe the project is necessary during a recession.

Mayor Bunten asked why the cart paths would be seven feet wide as opposed to the basic size of five feet. He stated that the project does contribute to the quality of life for Topeka residents; however, he questions if the project is necessary.

Councilmember Archer asked how much money Cypress Ridge Golf Course would lose this year, as well as, over the next five years. He stated that he believes the project budget is an absorbent amount of money to spend in this bad economic time.

Councilmember Preisner stated that the cart paths are the final piece in making the golf course a great place to visit in the Topeka-Shawnee County area.

Terry Bertels, Parks and Recreation Department Director reported that the Golf Course Superintendent Association of America recommends a six to eight foot wide cart path. He stated that the project would also replace crumbling areas of the cart paths. He reported that the golf course could lose an estimated \$120,000 this year; however, the National Golf Federation anticipates an increase for the next five years. He explained that the improvements would allow the golf course to be utilized more during rainy weather.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Swank carried. Councilmembers Alcalá, Ortiz, Woelfel and Archer voted “no.” (5-4-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Wolgast, Swank, Preisner and Harmon -5. Noes: Alcalá, Ortiz, Woelfel and Archer -4.

A PROJECT BUDGET in the amount of \$100,000 and ORDINANCE NO. 19357 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301016.00 (HTE 302950), which provides for playground structures at two parks, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

Joseph Ledbetter spoke in support of the project. He expressed concern with bonding such a small amount.

Councilmember Alcalá requested that the merry-go-round be restored to keep the historical value intact.

Councilmember Woelfel asked if the equipment would wear out before it is paid off.

Terry Bertels, Parks and Recreation Department Director stated that the playground structures would last beyond twenty years.

Councilmember Alcalá moved to adopt the ordinance. The motion seconded by Councilmember Preisner 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 \$1,983,000 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301017.00 (HTE 302960), which provides for a new swimming pool and bath house, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

Councilmember Alcalá spoke in support of the project. He stated that the investment would add longevity and lower the maintenance of the Garfield swimming pool.

Terry Bertels stated that the Garfield swimming pool was installed in 1926 and the bath house is still in good condition; however, it will require some ADA upgrades.

Joseph Ledbetter expressed concern with the cost-benefit ratio of the new swimming pool; the decline in the Garfield Community Center area neighborhood population; and the amount that would be added to the City's bonded indebtedness.

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

Mayor Buntin questioned the amount needed to build a new swimming pool. He noted that City swimming pools are only used for approximately ninety days out of the year.

Terry Bertels stated that the project budget amount was provided by a reliable resource and could be completed under the \$2 million project budget.

Councilmember Archer made a substitute motion to defer the project budget and ordinance until January 12, 2010 with the intent to discuss the issue at the January 5, 2010 work session. The motion seconded by Councilmember Alcalá carried. Councilmember Woelfel voted "no." (8-1-0)

A PROJECT BUDGET in the amount of \$520,200 and ORDINANCE NO. 19358 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301018.00 (HTE 302970), which provides for an office and classroom near Helen Hocker Theater, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

Joseph Ledbetter expressed concern with investing such a large amount of money for a small program.

Mayor Bunten spoke in support of a new building; however, he expressed concern with the total amount of the project budget.

Terry Bertels, Parks and Recreation Department Director stated that the figures were provided by City engineering staff. He noted that the number of building requirements drove up the cost to build the facility.

Councilmember Harmon asked if they considered using pre-fabricated buildings.

Terry Bertels stated that they could consider the use of pre-fabricated buildings as the project moves forward. He stated that he would expect the use of pre-fabricated buildings would lower the project cost.

Councilmember Archer spoke in opposition to the project and stated that the project would benefit only a limited amount of people.

Councilmember Woelfel spoke in opposition to the project. He stated that he does not have enough information to make an informed decision.

Councilmember Swank stated that the Helen Hocker Theater has played an active role in the community for a long time and is a major component to the quality of life in Topeka. She spoke in support of the project and stated that the facility has been in need of upgrades for some time.

Councilmember Ortiz asked if it would be cost effective to add to the existing building instead of building an entirely new office space.

Terry Bertels stated that the Helen Hocker Theater involves thousands of residents each year and has a huge effect on the community. He also stated that staff would research the most economical way to proceed in expanding space for the theater.

Councilmember Hiller spoke in support of the project and commented on the number of participants of the Helen Hocker Theater. She also stated that the project offers an opportunity to link the youth and community together.

Councilmember Hiller moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Swank carried. Councilmembers Alcala, Woelfel and Archer voted “no.” (6-3-0)

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

A PROJECT BUDGET in the amount of \$399,700 and ORDINANCE NO. 19359 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301019.00 (HTE 302980), which provides for an accessible ball diamond at Gage Park, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

Joseph Ledbetter spoke in opposition to bonding the project and questioned the size of the ball diamond.

Nancy Ruoff spoke in support of the project and stated that it would provide an opportunity for Topeka to move forward and recognize individuals with limitations.

Councilmember Alcala moved to extend the meeting through the end of the agenda. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

Councilmember Harmon asked if the project was motivated by ADA compliance issues.

Terry Bertels, Parks and Recreation Department Director stated that the City does not currently offer a sports facility available to individuals with developmental disabilities and the project would accommodate the need in the community.

Councilmember Archer stated that he does not have enough financial information and documentation to justify the project and expenditure.

Councilmember Woelfel asked if the ball diamond could be built at another location.

Terry Bertels stated that the project location already provides an existing parking lot and lighting.

Councilmember Swank moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Preisner carried. Councilmembers Woelfel, Archer and Harmon voted “no.” (6-3-0)

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

A PROJECT BUDGET in the amount of \$1,518,909 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301020.00 (HTE 302990), which provides for construction of a new facility at the Topeka Zoological Park, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

Norton N. Bonaparte, Jr., City Manager requested to withdraw the project budget and ordinance until the internal investigation of the Zoo has been completed.

Councilmember Alcala moved to table the project budget and ordinance. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$150,000 and ORDINANCE NO. 19360 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301021.00 (HTE 303000), which provides for roof replacement of a zoo building, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

Joseph Ledbetter spoke in support of the project. He questioned the total amount of the project budget and believes it is too high.

Jim Langford, Budget and Finance Director stated that the project budget was spread over fifteen years instead of twenty.

Councilmember Harmon moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Woelfel 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 \$100,000 and ORDINANCE NO. 19361 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301022.00 (HTE 303010), which provides for improvements to the Shunga, Deer Creek, Soldier and Oakland-Billard trail systems, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 8, 2009 was again presented.

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

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

ORDINANCE NO. 19362 introduced by City Manager Norton N. Bonaparte, Jr., adopting a neighborhood revitalization plan and designating a revitalization area, all as provided

for in K.S.A. 12-17, 114 et. seq., Neighborhood Revitalization Act placed on first reading December 8, 2009 was again presented.

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

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

APPROVAL of funding recommendations of the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council for annual program and one-time grant awards in 2010 from the Special Alcohol Program Fund was presented.

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

Councilmember Preisner moved to approve the funding recommendations of the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

RESOLUTION NO. 8228 introduced by City Manager Norton N. Bonaparte, Jr., declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the current Federal Transportation Plan for the Kaw Trail project in the City of Topeka and authorizing the city manager to sign the application was presented.

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

Joseph Ledbetter suggested the Council include a permissible clause in the resolution in the event the City does not have the 20% match in funds.

Councilmember Harmon asked if the project budget would be presented to the Council for approval if the resolution is approved; and if the City would be bound to the project once funds are approved by KDOT.

Terry Bertels, Parks and Recreation Department Director stated that the City is not obligated to the project if funds are approved by KDOT. He stated that the funds are appropriated in the 2011 and 2012 Capital Improvement Budget and are designated for Trail Development.

Councilmember Woelfel stated that he would oppose the resolution because the City does not know if the funding will be available. He expressed concern with the language of the resolution and stated that he believes it is too broad.

Councilmember Swank stated her support of the resolution and believes it is a great opportunity to leverage funds outside of the City to complete projects and improve the community.

Councilmember Swank moved to approve the resolution. The motion seconded by Councilmember Alcala carried. Councilmember Woelfel voted “no.” (8-1-0)

RESOLUTION NO. 8229 introduced by City Manager Norton N. Bonaparte, Jr., declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the current Federal Transportation Plan for the Landon Trail project from approximately SE 32nd Street to SE 45th Street in the City of Topeka and authorizing the city manager to sign the application was presented.

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

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Ortiz carried. Councilmember Woelfel voted “no.” (8-1-0)

RESOLUTION NO. 8230 introduced by City Manager Norton N. Bonaparte, Jr., declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the current Federal Transportation Plan for the Oregon Trail project in the City of Topeka and authorizing the city manager to sign the application was presented.

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

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Ortiz carried. Councilmember Woelfel voted “no.” (8-1-0)

RESOLUTION NO. 8231 introduced by City Manager Norton N. Bonaparte, Jr., declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the current Federal Transportation Plan for the Washburn-Lane Parkway Lighting Project, Fourth and Final Phase, in the City of Topeka and authorizing the city manager to sign the application was presented.

Councilmember Hiller gave the staff report.

Councilmember Swank stated that this would be the final phase of the ten-year project and the 20% match in funds is much less than anticipated.

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

Councilmember Alcala expressed concern with subsidizing funds for the project from the Lighting fund which would deprive funding from high-crime neighborhoods that need street lighting.

Councilmember Ortiz spoke her opposition to the resolution and stated that there are too many neighborhoods that are in need of street lighting.

Councilmember Hiller stated that the net cost would be \$9,000 less this year if the lighting is changed from incandescent bulbs to LED bulbs. She commended staff for applying for the transportation enhancement fund grants.

Councilmember Woelfel expressed concern with the City providing matching funds and how much the financial commitment would cost.

Councilmember Swank stated that the lighting has reduced area crime; therefore, increasing the property value of the community.

The motion to approve the resolution carried. Councilmembers Alcalá, Ortiz and Woelfel voted “no.” (6-3-0)

Norton N. Bonaparte, Jr., City Manager requested to withdraw item 7F, a resolution regarding the Topeka Police Department Helicopter Unit Program from the Council agenda to allow staff time to respond to questions submitted by the Council.

Upon hearing no objections, Mayor Bunten announced that the resolution would be withdrawn from the Council agenda.

ORDINANCE NO. 19363 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of November 23, 2009, through November 29, 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 Harmon 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.

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

Norton N. Bonaparte, Jr., City Manager referenced an email he distributed to the Council relating to the application for the Department of Homeland Security FEMA sponsored grant that would fund eight full-time fire department positions for two years. He asked if the Council would be willing to accept the long-term commitment and requirement to retain the firefighters for one full year after the end of the grant. He announced that the Public Works Department received re-accreditation by the American Public Works Association; applications for the Law Enforcement Partnership Panel are now being accepted; and the Discovering Topeka District by District program would be featuring Council District No. 3. He stated that he appreciates the work the Council put into the Capital Improvement Budget and Program. He reported that the next City Council meeting would be held on January 5, 2010.

Councilmember Ortiz asked if the Fire Department would be fully staffed if the eight positions were filled.

Councilmember Woelfel expressed concern with the requirements of the grant. He questioned if the language would be too restrictive in regards to employee layoffs, retirements and terminations.

Allen Bradshaw, Fire Department Chief stated that eight additional firefighters would provide full staffing of the fire department. He noted that the grant would allow for the retirement or termination of an employee.

Mayor Bunten expressed concern with the requirements of the grant and asked if the eight fire department positions were absolutely necessary.

Councilmember Hiller commended the Governing Body for a productive year and stated that she is honored to serve on the City Council.

Councilmember Alcalá noted that the NW Howard and 7th Streets railroad crossing is still closed. He requested that staff research the City's legal options in regards to reopening the railroad crossing.

Councilmember Ortiz requested that the potholes on SE 25th Street from SE Ohio to Indiana Street be repaired; and the Hillcrest Community Center outside drainage problems be fixed. She commended Councilmembers for a productive year.

Councilmember Swank commended the City of Topeka for becoming the country's "Biggest Gainer" in the Milken Institute's 2009 Best Performing Cities Index by climbing sixty-nine slots to No. 37 on a list of 124 small cities.

Councilmember Archer commended the City of Topeka for ranking No. 37 on the Milken Institute's 2009 Best Performing Cities Index.

Councilmember Preisner commended the Council for streamlining the budget process, as well as, the Capital Improvement Budget and Capital Improvement Program process. He thanked the Council for approving the majority of the projects listed on the Council agenda and providing a clear direction for City administration. He stated that approval of the projects support the Council's intent to move forward with serious positive changes that would improve the quality of life in Topeka.

J Tuckness appeared to speak under public comment.

Councilmember Alcalá moved to adjourn the Council meeting. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 11:25 p.m.

Brenda Younger
City Clerk