

Council Minutes –August 10, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 10, 2010. 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, Reverend Dr. Neil Buono, Prince of Peace Lutheran Church gave the invocation.

A PRESENTATION of the Citizen's Academy Graduation Certificates was presented by David Bevens, Public Information Officer and Mayor William B. Bunten.

A PRESENTATION of the National Association of School Resource Officers Award was presented by Deb Vandorsen, NASRO.

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

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of July 27, 2010 were presented.

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

A NOTICE OF PUBLIC HEARING

A PUBLIC HEARING for the purpose of obtaining public input on the 2011 City of Topeka Consolidated Action Plan.

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

Joseph Ledbetter expressed concern with the number of full-time Housing and Neighborhood Development Department employees. He stated that he believes due to the electronic age the Department could be more cost-effective with fewer administrative employees.

Councilmember Preisner moved to close the public hearing. The motion seconded by Councilmember Swank carried unanimously. (9-0-0)

A NOTICE OF PUBLIC HEARING

A PUBLIC HEARING for the purpose of hearing and answering questions or objections of taxpayers relating to the proposed use of all funds and the amount of tax to be levied for the City of Topeka 2011 operating budget.

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

Sharon Joseph, Ken Siek, Ruby Collins, Marilyn Lind, Michael Byington, Katherine Dawson, Kathy Fox, Walter Gill, James Angus Tucker, and Sandy Okruhlik spoke in opposition to a reduction in the mill levy for the Topeka Metropolitan Transit Authority. Speakers expressed the importance of creating a sustainable, affordable and accessible transit system within Topeka; an environment-friendly transportation system; finding innovative ways to increase ridership; maintaining the quality of life in the community for the disabled; and how a reduction in the mill levy could affect the local economy in the long term.

Miriam Krehbiel, United Way of Greater Topeka President stated that social services are faced with the same financial decisions of the City. She reported that United Way has seen an increase in telephone calls asking for assistance by 92% between 2008 and 2009, as well as, an increase in the first quarter of 2010. She stated that the Council's commitment to the community is long standing and the City's funding is vital to community services. She requested funding from the City to be no less than 90% of the amount funded in 2010.

Joseph Ledbetter stated that he does not believe in raising taxes in a recession and suggested the Council consider selling the Cypress Ridge Golf Course to Shawnee County; and consolidating the City and County Parks and Recreation Departments. He stated that he believes tougher negotiations are needed with the labor agreements and encouraged ratification of only

one year labor agreements. He also stated the City should repair potholes expediently to save citizens unnecessary vehicle repair expenses.

Kurt Young, Topeka Lodging Association President distributed a handout regarding Transient Guest Tax (TGT) funds and stated that the association opposes an increase in the Transient Guest Tax above its current six percent rate. He suggested TGT funds for historic preservation be redirected in conjunction with Heartland Park Topeka sales tax revenues to help contribute \$80,500 per year to the annual payment of STAR bonds and resolve the debt to retire the STAR bonds; the imposition of a ticket or special event tax to help spread the obligation to users of facilities constructed or enhanced by the funds which are raised; and increase the size of the STAR bond district at Heartland Park which would also increase the tax collections to support the STAR bond payments. He asked the Council to consider these suggestions to help reduce the general fund.

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

A PROJECT BUDGET in the amount of \$1,475,000 and ORDINANCE NO. 19451 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-601018.00 (HTE 606570), which provides for neighborhood infrastructure improvements in Chesney Park and Ward Meade, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading July 27, 2010 was again presented.

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

Frank Hoge questioned why the use of funds to repair alleys is being questioned. He stated that all the items presented in the Chesney Park Neighborhood Plan have been justified

and the neighborhood has been working hard to improve the area with new construction and upgrades to existing properties. He also stated that the SORT Program and the assistance from the City, give neighborhoods a boost in maintaining residents' commitment to improve the area.

Joseph Ledbetter questioned the fees associated with the project and if it is an appropriate use of general obligation bonds.

Tom Benaka, Chesney Park NIA President stated that many volunteers have helped improve the neighborhood which has helped reduce crime and stabilize property values. He encouraged the Council to support the improvement project.

Councilmember Ortiz stated that many people have worked very hard on this project.

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

Councilmember Archer made a substitute motion to defer the project budget and ordinance for two weeks to allow staff the time to validate the information given to the Council. The motion was seconded by Councilmember Woelfel.

Councilmember Archer stated that he believes there is conflicting information and would prefer to have it researched before spending \$2 million on the project.

Councilmember Hiller stated that she would not support the motion to defer because she believes it would not change the Council's overall vote or decision on the project.

Councilmember Harmon questioned if the project was time-sensitive.

Randy Speaker, Housing and Neighborhood Development Director stated that staff is hoping to establish a schedule for construction prior to the winter season.

Councilmember Preisner concurred with Councilmember Hiller.

The substitute motion to defer the project budget and ordinance for two weeks to allow staff the time to validate the information given to the Council failed. Councilmembers Hiller, Alcalá, Ortiz, Wolgast, Swank, Preisner and Harmon voted “no.” (2-7-0)

Councilmember Woelfel questioned if courtesy walks could be considered regular sidewalks and if sales tax revenues could be used to repair them. He also asked if the City has the funds available for ADA upgrades. He expressed concern with putting an additional tax burden on citizens during tough economic times.

Councilmember Archer questioned the specifics of the financial breakdown of the project. He questioned how the City could charge 50% of the cost of sidewalk repairs to property owners when 100% of the cost of sidewalk repairs is being paid for individual property owners in the SORT Program. He stated that he believes it is an unfair process that should be addressed.

Councilmember Wolgast spoke in support of the project and stated that the SORT Program is an example of how to improve a total neighborhood and make it more livable. He stated that the neighborhood should be proud of the improvements made to the area.

Councilmember Swank spoke in support of the project and stated that the same improvements are being made in the Ward-Meade neighborhood. She noted the sidewalk policy is inconsistent and needs to be addressed.

Councilmember Alcalá spoke in support of the project and stated that neighborhood plans have been outlined for Oakland and North Topeka; however, the plans have not been defined at this time and there is a critical need for improvement in those areas. He stated that many neighborhoods need to be re-evaluated because they have not been analyzed since 1995 and have

deteriorated significantly. He noted that he is willing to make an exception regarding the alley improvements for this project because of how the alleys are used in the neighborhood.

Norton N. Bonaparte, Jr., stated that he would provide an updated intensive care neighborhood list to the Council.

Councilmember Hiller stated that it would be a good time to review intensive care neighborhoods because of the information gathered as a result of the 2010 Census.

Councilmember Ortiz stated that City staff is reviewing all neighborhoods that do not have a neighborhood plan in place and working with the neighborhood associations to establish a plan.

Randy Speaker reported one to two neighborhoods are reviewed annually.

Mayor Bunten spoke in support of the project; however, he disagrees with bonding the project because sales tax revenues are available for use.

Councilmember Alcalá asked what Community Development Block Grant (CDBG) funds were being used for.

Randy Speaker stated that approximately 60% of CDBG funds are allocated in target areas, and the remaining 40% is allocated in other neighborhoods of low-to-moderate income households.

The motion to approve the project budget and adopt the ordinance 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.

Norton N. Bonaparte, Jr., City Manager reported that City staff has requested to defer the project budget, ordinance and notice of intention authorizing Improvement Project No. T-

281028.00 which provides for a waterline extension from SW Fairlawn and SW 37th Street through Clarion Park to SW 41st and Wanamaker Drive to allow additional time to resolve some technical issues with the project.

Councilmember Ortiz moved to defer the project budget, ordinance and notice of intention until September 21, 2010. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending Article 8, Section 2 of Resolution No. 7758, City of Topeka Personnel Code, relating to severance benefits and specifically rescinding said original section was presented. The resolution was referred to the Policy and Finance Committee from the meeting of June 8, 2010.

Councilmember Wolgast moved to refer the resolution to the Policy and Finance Committee. The motion seconded by Councilmember Swank carried unanimously. (9-0-0)

APPROVAL of Retail Cereal Malt Beverage License Applications was presented.

No Retail Cereal Malt Beverage License applications were presented.

APPROVAL of a three-year Labor Agreement between the City of Topeka and American Federation of State, County and Municipal Employees (AFSCME) Local 1294 was presented.
(Contract No. 40643)

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

Councilmember Hiller expressed concern with the labor agreement being presented to the Council prior to the 2011 operating budget being finalized.

Joseph Ledbetter stated that he believes multi-year contracts fall under the cash basis law and asked City staff to review the possibility. He expressed concern with the drug testing policy and believes it is appropriate to have random drug testing for employees especially those with

increased responsibility. He suggested the labor agreement negotiating team include the City Manager and a member of the legal staff. He asked the Council to consider changing the language of Section 2(8) of Page 26 and stated that he believes if an employee is under the influence while at work they should be terminated.

Councilmember Ortiz asked if the labor agreement is time-sensitive.

Norton N. Bonaparte, Jr., stated that in order for the City to bargain in good faith the labor agreement should be decided upon prior to the 2011 operating budget being finalized.

Councilmember Swank moved to approve the labor agreement. The motion seconded by Councilmember Wolgast carried. Mayor Bunten voted “yes”. Councilmember Woelfel voted “no.” Councilmember Ortiz abstained. (8-1-1)

A PETITION, PROJECT BUDGET in the amount of \$28,000 and RESOLUTION NO. 8275 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Sanitary Sewer Improvement Project No. T-401025.00 which provides for sanitary sewer service at 4404 NW Halfday Lane, as more specifically described herein was presented.

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

Councilmember Woelfel questioned if this type of project is common practice for the City.

Norton N. Bonaparte, Jr., reported that the total project amount is \$35,000 to be paid 100% by the property owner and was solely initiated by the request of the property owner.

Councilmember Preisner moved to approve the petition, project budget and resolution. The motion seconded by Councilmember Alcalá carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

ORDINANCE NO. 19452 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of July 12, 2010 through July 18, 2010, and enumerating said expenditures therein was presented for first and final reading.

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

Joseph Ledbetter requested a detailed list of electronic vendor transfers. He asked the Council to consider implementing processing fees to employees for garnishments. He questioned the following expenditures:

- Page 15, Mike's Frame Shop
- Page 12, Kansas Concrete

Jim Langford, Budget and Finance Director stated that he would have to research the information regarding the Mike's Frame Shop expenditure and report back to Mr. Ledbetter. He reported that the Kansas Concrete expenditure was paid with half-cent sales tax funds. He noted that an itemized report of the electronic vendor transfers would be available by the end of August.

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.

ORDINANCE NO. 19453 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of July 19, 2010 through July 25, 2010, 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 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. 8276 introduced by City Manager Norton N. Bonaparte, Jr., in accordance with Section 18.75.030(c)(2) of the TMC, approving a Conditional Use Permit to allow for a vehicle surface parking lot in association with a principal use on property currently zoned “R-2” Single-Family Dwelling District and located east of the church at 1255 SW Mulvane Avenue and 1707 SW Huntoon Street in the City of Topeka, Kansas was presented. (CU10/2)

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

The City Clerk asked if there were any ex parte communications.

Councilmember Swank stated that she spoke with the College Hill Neighborhood Improvement Association President and neighbors.

Councilmember Swank moved to approve the resolution. The motion seconded by Councilmember Woelfel carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., attesting to the increase in taxes levied for budget year 2011 necessary to finance public services for the City of Topeka was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. T-301005.00 (HTE 302480) which provides for extension of the Landon Trail, 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. 19354 was presented for first reading.

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

Councilmember Alcalá thanked the Topeka Fire Department and City staff for the cleanup of graffiti on the Sardou Bridge. He also thanked the people who picked up trash at Santa Fe Park. He commended those involved in sponsoring the National Night Out Against Crime in the Oakland community and reported that it was a great family event. He expressed concern with closing the Rice Community Center. He stated that he understands the community center is not a revenue generator; however, it is a quality of life issue for Oakland residents.

Councilmember Ortiz concurred with Councilmember Alcalá in regards to closing the Rice Community Center. She thanked City staff for participating in the National Night Out Against Crime events. She expressed concern with the theft of copper piping at the Dornwood Ball Park and asked that precautionary measures be taken to keep it from happening again. She asked the City to make sure the businesses located on SE 6th Street have access during construction. She commended the community centers for providing shelter to citizens during extreme hot weather. She asked if the speed bumps located on SW Buchanan between 22nd and 24th Streets could be painted.

Councilmember Swank commended the residents who participated in the National Night Out Against Crime events throughout the City. She stated that the event was a huge success and grows every year.

Councilmember Archer stated that he supports a public transit system that is effective and efficient. He stated that under the current management at TMTA the annual operating expense in 2004 was \$5,052,804; however, the 2011 proposed budget for TMTA is \$8,816,086 which is an

increase of 74.47% in seven years. He reported that the increase is four times the rate of inflation.

Mayor Bunten commended Shawnee County for working to reduce their mill levy; however, he hopes they rethink their decision to withhold \$2.7 million of motor fuel tax revenues from the City. He gave an overview of the pothole situation and stated that City crews are working hard to solve the issue by moving forward with the repair plan the City has put in place.

Joseph Ledbetter, Georgia Abel, Bill Gomez and Ted Mize appeared to speak under public comment.

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

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:31p.m.

Brenda Younger
City Clerk