

Council Minutes –August 24, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 24, 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, Pastor Jerry Quiring, Faith Community Church gave the invocation.

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

Councilmember Archer requested to add a resolution granting Jan Mitchell a noise exception to the consent agenda.

Upon hearing no objections, Mayor Bunten announced the resolution would be placed on the consent agenda as item 4C.

Councilmember Hiller requested to add an ordinance authorizing the sale, consumption and possession of alcoholic liquor for the Ride for Red event to the Council agenda under First Readings.

Upon hearing no objections, Mayor Bunten announced the ordinance would be placed on the Council agenda under First Readings as item 7F.

Councilmember Preisner requested to remove item 7A, a charter ordinance concerning the Transient Guest Tax from the Council agenda.

Upon hearing no objections, Mayor Bunten announced item 7A would be withdrawn from the Council agenda.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of August 17, 2010 were presented.

RESOLUTION NO. 8278 introduced by Councilmember Bob Archer, granting Jan Mitchell an exception to the provisions of City of Topeka Code Section 9.45.170 concerning noise prohibitions was presented.

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

ORDINANCE NO. 19459 introduced by Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for The Office on August 28, 2010 placed on first reading August 17, 2010 was again presented.

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

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Preisner carried unanimously. (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 Buntent -10.

ORDINANCE NO. 19458 introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of \$985,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds –Direct Pay To Issuer) Series 2010-A, \$9,155,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds) Series 2010-B, and \$85,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C of the City of Topeka, Kansas, under the authority of K.S.A. 10-1201 et seq., and all amendments thereto placed on first reading August 17, 2010 was again presented.

Jim Langford, Budget and Finance Director reported a total of four bids were received and R.W. Baird received the winning bid offering a true interest rate of 2.9%. He also reported

the final cost to issue the revenue bonds was \$67,000 less than anticipated. He requested the Council make a technical amendment to the ordinance to reflect the correct dollar amounts as read by the City Clerk, and correct all other necessary language amendments as provided by the bond counsel.

Joseph Ledbetter questioned financing revenue bonds with general obligation bonds. He asked if the Council wants city taxpayers to pay for the cost of utilities for residents located outside the city limits.

Councilmember Preisner moved to amend the ordinance to reflect the correct dollar amounts as read by the City Clerk, and correct all other necessary language amendments as provided by the bond counsel. The motion seconded by Councilmember Wolgast carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

Councilmember Harmon moved to adopt the ordinance as amended. The motion seconded by Councilmember Swank carried. Mayor Bunten voted “yes.” Councilmember Preisner was out of the room. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer, Harmon and Mayor Bunten -9. Absent: Preisner -1.

RESOLUTION NO. 8277 introduced by City Manager Norton N. Bonaparte, Jr., prescribing the form and details of \$985,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds (Build America Bonds – Direct Pay to Issuer) Series 2010-A, \$9,155,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds (Recovery Zone Economic Development Bonds) Series 2010-B, and \$85,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds, Series 2010-C the issuance of which was authorized by the City pursuant to its Ordinance No. 19458 passed and

approved August 24, 2010; and authorizing certain other documents and actions in connection with the issuance of the bonds was presented.

Jim Langford, Budget and Finance Director requested the Council make a technical amendment to the resolution to reflect the correct dollar amounts as read by the City Clerk, and correct all other necessary language amendments as provided by the bond counsel.

Councilmember Hiller moved to amend the resolution to reflect the correct dollar amounts as read by the City Clerk, and correct all other necessary language amendments as provided by the bond counsel. The motion seconded by Councilmember Swank carried. Mayor Bunten voted “yes.” Councilmember Preisner was out of the room. (9-0-0)

Councilmember Preisner entered the room.

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

APPROVAL of Retail Cereal Malt Beverage License Applications was presented.

No Retail Cereal Malt Beverage License applications were presented.

ELECTION of City Council representative to the Metropolitan Topeka Planning Organization (MTPO) Policy Board pursuant to City of Topeka Resolution No. 7453 was presented.

Councilmember Ortiz gave the staff report.

Joseph Ledbetter asked the Council to nominate Councilmember Preisner to serve on the MTPO Policy Board.

Councilmember Swank nominated Councilmember Preisner to serve on the MTPO Policy Board.

Upon hearing no further nominations, the Mayor asked the Council to cast their votes on the selection of a new MTPO Policy Board member.

Following the tally of votes, the Chair announced Councilmember Preisner received nine affirmative votes and would serve as the new MTPO Policy Board member.

ORDINANCE NO. 19460 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 2, 2010 through August 8, 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 questioned the following expenditures:

- Schmidtlein Excavating, \$830,000
- O'Reilly Auto Parts, \$1,573
- Wood Valley Racquet Club & Fitness, \$2,900
- Light House Contracting, \$14,419
- Bartlett & West Engineers, \$26,465

Jim Langford, Budget and Finance Director stated that he would research Mr. Ledbetter's inquiries and report back to him.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Swank 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.

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 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on property located approximately 500 feet east of SE California Avenue located between SE 13th and SE 21st Streets

from “M-1” Two Family Dwelling District TO PUD Planning Unit Development District (“M-1” use group) was presented for first reading. (*PUD10/6*)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of \$1,635,000 aggregate principal amount of General Obligation Bonds, Series 2010-A, and \$34,655,000 aggregate principal amount of General Obligation Refunding Bonds, Series 2010-B of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 10-427 et seq., and K.S.A. 12-6a01 et seq., all as amended was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of \$4,590,000 aggregate principal amount of Taxable General Obligation Bonds (Build American Bonds – Direct Payment to Issuer) Series 2010-C of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive K.S.A. 12-110c, the home rule authority granted to cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Charter Ordinance No. 89 of the City, all as amended was presented for first reading.

AN ORDINANCE introduced by Councilmember Karen Hiller amending City of Topeka Code Section 9.15.020, concerning the unlawful possession or consumption of alcoholic liquor or cereal malt beverages and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for the Ride for Red event on September 11, 2010 was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager announced City4 would broadcast the “Capital Cold Case” program on August 27, 2010 at 8:00 p.m.

Councilmember Ortiz encouraged citizens to slow down and watch for students returning to school. She asked what the procedure is regarding the removal of graffiti during the weekend.

Norton N. Bonaparte, Jr., stated he would report back to Councilmember Ortiz regarding graffiti removal procedures.

Councilmember Preisner requested an update on the Sumner School property.

Mayor Bunten expressed concern with Shawnee County opting out of giving the City of Topeka \$2.1 million in motor fuel tax revenues and the financial burden it places on the City. He stated the City has approved a ten year plan to improve city streets and the City would continue to move forward with this plan even through they have lost a substantial amount of revenue funds.

Joseph Ledbetter appeared to speak under public comment.

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

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:40 p.m.

Brenda Younger
City Clerk