

## **Council Minutes – December 7, 2010**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 7, 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, Woelfel, Wolgast, Archer, Preisner and Harmon -7. Deputy Mayor Swank presided -1. Absent: Mayor Bunten and Councilmember Ortiz -2.

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

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

A PRESENTATION on the City of Topeka's Sustainability Plan was provided by Scott Alisoglu, Sustainability Coordinator. He also provided an update on the Chevron Energy Audit in 2005. The update included the following information:

- Some of the proposed projects have not yet been completed; therefore, the Sustainability Advisory Board reviewed the list of projects and determined what they felt would generate the most cost savings to the City.
- Johnson Controls has offered to waive the \$50,000 service fee to draft an addendum to the original energy audit and finance the \$1.4 million that is needed to complete the projects.
- Enough cost savings would be realized over a ten-year period to pay off the loan, as well as, reduce energy expenses by 10 percent by the year 2020.

Councilmember Alcalá asked the following questions relating to the type of lighting being used in City buildings:

- Where in the process is the City in regards to lighting changes?
- What would it cost if lighting changes were only made in City office areas?
- Due to the long-term savings, why wouldn't the City replace all T12 lighting with T5 lighting?
- Did the cost estimate include utility rate increases?
- Assuming utility rates increase, what is the estimated savings if the projects are completed now versus one, two and three years from now?
- Are we researching costs versus the payoff in 10 years?

- Will the energy audit study addendum include the research of lighting replacement in City buildings?
- Where is Johnson Controls located and do we have a contract with them now?
- Has the City considered using local energy consultant companies?

Scott Alisoglu reported the following:

- Motion sensors have been installed in many City buildings, funded with federal grants.
- LED bulbs have been installed along the Washburn-Lane Parkway, funded with stimulus money.
- The estimated cost to replace light bulbs in City buildings and implement Medasys is approximately \$1.4 to \$1.8 million.
- City Hall, the Law Enforcement Center and the Holliday Building have installed T8 fluorescent light bulbs and de-lamped approximately 750 light bulbs which generate a savings of approximately \$2,000 to \$3,000 annually.
- Overall, City facilities will save approximately \$30,000 to \$40,000 annually with the changes that have already been implemented.
- The cost savings would be immediate; however, the issue is the upfront financing of the projects and calculated savings would be included as part of the process.
- Johnson Controls is located in Wisconsin and local energy consultant companies have not been researched.

Councilmember Swank stated she believes Councilmembers support moving forward with the sustainability concept; however, they need more information on the projects that need to be completed. She noted sustainability is wide spread throughout City operations. She asked if costs would be reviewed over the 10 year period; and what is needed to move forward with the projects.

Norton N. Bonaparte, Jr., stated that the City has not converted to T8 fluorescent light bulbs in every City building; however, the plan is to focus on sustainability and complete the necessary projects. He encouraged citizens to participate in helping Topeka become a sustainable community and provide input to the Sustainability Advisory Board.

Councilmember Hiller stated she has received input from citizens' expressing interest in sustainability. She asked if the \$50,000 needed for the study could be used to install energy saving fixtures and begin the cost savings in 2011 instead of utilizing a layered plan to complete

the projects. She also questioned why the projects listed in the original plan could not be completed instead of drafting an addendum to the plan.

Scott Alisoglu invited citizens to attend the Sustainability Advisory Board meetings the first Friday of each month at 7:30 a.m. He encouraged citizen input as the sustainability plan moves forward and stated residents could contact him with questions or concerns at 368-1611 or by email at [salisoglu@topeka.org](mailto:salisoglu@topeka.org).

Councilmember Woelfel requested to remove item 4E, a facilitator agreement for Rich Drinon from the consent agenda for separate discussion.

Upon hearing no objections, Deputy Mayor Swank announced item 4E would be removed from the consent agenda and placed on the Council agenda as item 5A.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Renee Wiggins to the Civil Service Commission to fill an unexpired term ending October 31, 2011 was presented.

BOARD APPOINTMENT recommending the appointment of Shawn Smith to the Board of Electrical Appeals for a term ending November 30, 2012 was presented.

BOARD APPOINTMENT recommending the re-appointment of Alicia Rues to the Jayhawk Area Agency on Aging Board of Directors for a term ending December 31, 2013 was presented.

BOARD APPOINTMENT recommending the re-appointment of Franklin Young to the Topeka Housing Authority Board of Commissioners for a term ending December 31, 2014 was presented.

MINUTES of the regular meeting of November 23, 2010 were presented.

Open After Midnight License applications were presented for the following:

BUSINESS NAME

Skinny's Sports Bar & Grill

Wild Horse Saloon

Tool Shed Tap

ADDRESS

4016 SW Huntoon

3249 SW Topeka Boulevard

921 S Kansas Avenue

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

APPROVAL of an agreement between the City of Topeka and Rich Drinon relating to the process of setting goals and objectives for the City Manager was presented. (*Contract No. 40837*)

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

Councilmember Preisner moved to approve the facilitator agreement. The motion was seconded by Councilmember Hiller.

Councilmember Woelfel asked if Mr. Drinon could provide the public a brief summary of the services he is offering to the City Council.

Councilmember Wolgast gave a brief description of the Policy and Finance Committee's recommendation and stated it was determined a facilitator could help the City Council identify objectives and goals for the City Manager. He reported Mr. Drinon would be assisting the Council with an effective evaluation process for the City Manager by offering 15 hours of consulting services at no charge to the City.

Rich Drinon stated it is his objective to help the City Council determine a better way to identify measurable objectives and goals within the evaluation process.

Councilmember Woelfel referenced the agreement and questioned why it did not guarantee end results.

Mr. Drinon stated he would process all the information collected from each Councilmember and develop goals and objectives. He noted the process could be very detailed

and time-consuming; and if a continuance of services is needed the City Council would need to determine how to proceed at that time.

Councilmember Woelfel reported the City of Coral Springs, Florida has a similar approach to performance evaluations for the City Manager and Department Directors and would prefer to take a closer look at their process before proceeding.

Councilmember Woelfel moved to defer the facilitator agreement for one week. The motion died due to a lack of a second.

Norton N. Bonaparte, Jr., clarified Mr. Drinon would aid the City Council in formulating a measurable evaluation process for the City Manager position.

Councilmember Alcala expressed concern with the facilitator agreement. He asked how Mr. Drinon would extend his services without following the normal bidding process.

Jackie Williams, City Attorney stated if the services need to be extended then the Legal Department would review the bidding process at that time.

The motion to approve the facilitator agreement carried. Councilmember Woelfel voted “no.” (7-1-0)

#### A NOTICE OF PUBLIC HEARING

A PUBLIC HEARING for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of 2010 operating budget funds.

ORDINANCE NO. 19490 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 2010 and appropriating the amounts of the purpose as set forth therein was presented for first and final reading.

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

Councilmember Preisner moved to close the public hearing and adopt the ordinance. The motion was seconded by Councilmember Harmon.

Councilmember Alcalá questioned how much of an increase is needed for the Retirement Reserve Fund.

Jim Langford, Budget and Finance Director reported the amendment would increase the expenditure limit of the Retirement Reserve Fund by \$277,910 and would be financed with the unbudgeted fund balance from the prior year.

The motion to close the public hearing and adopt the ordinance carried unanimously.  
(8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -8. Absent: Mayor Bunten and Ortiz -2.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of \$10,615,000 aggregate principal amount of Full Faith and Credit STAR Refunding Bonds, Series 2010 (Heartland Park), 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 10-472a et seq., as amended and supplemented placed on first reading November 23, 2010 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report. He reported the bond market is not favorable at this time and requested to defer the ordinance until January 11, 2011.

Councilmember Preisner moved to defer the ordinance until January 11, 2011. The motion seconded by Councilmember Woelfel carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -8. Absent: Mayor Bunten and Ortiz -2.

ORDINANCE NO. 19491 introduced by City Manager Norton N. Bonaparte, Jr., pertaining to an amendment to the text and map of the Topeka Comprehensive Metropolitan Plan placed on first reading November 23, 2010 was again presented. (CPA10/2)

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

Wesley Marshall, Central Highland Park Neighborhood Improvement Association thanked the Topeka Planning Department for their hard work in developing the neighborhood plan. He stated the Central Highland Park NIA looks forward to changes and improvements in the area.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Alcala carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -8. Absent: Mayor Bunten and Ortiz -2.

A REVISED PROJECT BUDGET in the amount of \$689,000 and RESOLUTION NO. 8303 introduced by City Manager Norton N. Bonaparte, Jr., amending the Project Budget for Improvement Project No. T-301014.00 which provides for the property acquisition and site preparation for the Great Overland Station park development and rescinding City of Topeka Resolution No. 8201 was presented.

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

Councilmember Alcala moved to approve the revised project budget and resolution. The motion was seconded by Councilmember Hiller.

Councilmember Swank asked if more information could be provided to the Council.

Terry Bertels, Parks and Recreation Director distributed aerial photos of the parcel and stated the area is the focus for a riverfront park. He reported the revised project budget would

allow the City to seek appraisals, environmental studies and negotiate future purchase of the parcel.

Councilmember Preisner asked if the parcel and neighboring land is the only property left to purchase for the riverfront park project. He requested Mr. Bertels provide him with the property owner information on the neighboring parcel.

Terry Bertels stated he would provide the requested information on the two remaining parcels needed for the park project.

Councilmember Preisner asked if the Transient Guest Tax fund balance of \$754,056 is unencumbered cash.

Jim Langford stated the project budget has \$754,056 available from the extra one percent of Transient Guest Tax approved in 2003 devoted to the Great Overland Station project.

Councilmember Alcalá noted the two parcels are the focus of the whole development of the riverfront park and requested Mr. Bertels provide the property owner information to all Councilmembers.

Councilmember Archer asked how the additional \$405,000 would be used for the project.

Terry Bertels stated the additional funds would provide for property acquisition and environmental and geotechnical studies.

Councilmember Hiller noted the parcel recently became available for purchase so it would be in the City's best interest to take the opportunity to obtain the property.

Terry Bertels stated he would prefer to acquire the property soon because the additional one percent Transient Guest Tax funding for the Great Overland Station would sunset in 2015.

The motion to approve the revised project budget and resolution carried unanimously.

(8-0-0)



A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing and adopting for the City of Topeka, Kansas, the 2011-2015 Capital Improvement Program (CIP) and 2011-2012 Capital Improvement Budget (CIB) was presented.

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

Councilmember Preisner stated he believes the CIB/CIP work sessions were very productive and thanked the City Manager and staff for their hard work.

Councilmember Preisner moved to approve the resolution. The motion was seconded by Councilmember Alcala.

Councilmember Archer expressed concern with the allocation of \$7,000,000 for downtown redevelopment because the plan would not be introduced until December 14, 2010. He also noted Councilmember Hiller is leading an effort to make the City debt-free which could impact the CIB as well.

Councilmember Archer moved to defer the resolution until December 21, 2010. The motion was seconded by Councilmember Woelfel.

Councilmember Hiller thanked the City Manager and staff for preparing the CIP and CIB. She stated if the City decides to implement a debt-free program it could change the CIB; however, a CIP is needed to continue investing in the community.

The motion to defer the resolution until December 21, 2010 carried. Councilmember Preisner voted “no.” (7-1-0)

RESOLUTION NO. 8304 introduced by City Manager Norton N. Bonaparte, Jr., declaring the entire boundary of the City of Topeka and rescinding City of Topeka Resolution No. 8225 was presented.

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

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

Retail Cereal Malt Beverage License applications were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
The Brass Rail	401 NE Emmett
Hooters of Topeka	6100 SW 10 <sup>th</sup> Street
Pizza Parlor	1919 NE Seward
RJ's Chatterbox	2121 SE 6 <sup>th</sup> Street

Councilmember Alcala moved to approve the Retail Cereal Malt Beverage License applications as presented. The motion seconded by Councilmember Wolgast carried unanimously. (8-0-0)

ORDINANCE NO. 19492 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of November 8, 2010, through November 14, 2010, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Woelfel moved to adopt the ordinance. The motion seconded by Councilmember Wolgast carried unanimously. (8-0-0)

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

ORDINANCE NO. 19493 introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a platted wastewater lateral field easement on property located at 4613 and 4617 SW Mulligan Drive, City of Topeka, Shawnee County, Kansas placed on first reading November 23, 2010 was again presented. (V10E/2)

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

The City Clerk asked if there were any ex parte communications. There were none declared.

Councilmember Archer moved to adopt the ordinance. The motion seconded by Councilmember Woelfel carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -8. Absent: Mayor Bunten and Ortiz -2.

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

Norton N. Bonaparte, Jr., City Manager congratulated City of Topeka November Employee of the Month Sharon Yockers, Legal Department. He noted a sample of the new water bill format is available for review online, as well as, a survey for the public to evaluate City4 programming.

Councilmember Hiller commended the Central Highland Park Neighborhood Improvement Association for their hard work on the neighborhood plan.

Ted Mize and Richelle Rumford appeared to speak under public comment.

Councilmember Alcala moved to adjourn the City Council meeting. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:11 p.m.

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Brenda Younger  
City Clerk