

Council Minutes – December 21, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 21, 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, Swank, Archer, Preisner and Harmon -8. Mayor Bunten presided -1. Absent: Councilmember Ortiz -1.

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 Downtown Topeka, Inc., organization was provided by Susan Mahoney, Executive Director. She provided a financial update on private investment, fund-raiser events, social events and increased media communications. She expressed the importance of downtown revitalization and thanked the City for their partnership.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Dave Krug to the Board of Electrical Appeals for a term ending December 31, 2012 was presented.

BOARD APPOINTMENT recommending the re-appointment of Jim Grunewald to the Board of Electrical Appeals for a term ending December 31, 2012 was presented.

BOARD APPOINTMENT recommending the re-appointment of Noda Preston to the Jayhawk Area Agency on Aging Advisory Council for a term ending December 31, 2013 was presented.

MINUTES of the regular meeting of December 14, 2010 were presented.

An Open After Midnight License application for The Back Door located at 610 SW Wayne was presented.

Dance Hall License applications were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
American Legion #400	3029 NW Highway 24
American Legion Capital Post 1	3800 NE Michigan
Rumba Club	816 N. Kansas Avenue
RuffNeck's Bar	917 N. Kansas Avenue
The Roostertail	830 N. Kansas Avenue
Kansan Grill	705 S. Kansas Avenue

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

ORDINANCE NO. 19495 introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 3.40.030 establishing a service fee levy for 2011 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section placed on first reading December 14, 2010 was again presented.

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

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. Mayor Bunten voted "yes." (9-0-0)

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

ORDINANCE NO. 19496 introduced by City Manager Norton N. Bonaparte, Jr., amending, repealing, renumbering and creating certain sections of the Code of the City of Topeka concerning water pollution control placed on first reading December 14, 2010 was again presented.

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

Councilmember Swank 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, Alcalá, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -8. Absent: Ortiz -1.

RESOLUTION NO. 8306 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 the 2011-2012 Capital Improvement Budget (CIB) was presented. The resolution was deferred from the meeting of December 7, 2010.

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

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

Christie Davis, Michelle De La Isla, Michelle Hubbard, Ryan Wenrich, Jim Ogle, Angel Romero, Brendan Jansen, Gary Cushinberry, Jerry Farley and Steve Jenkins spoke in support of the Capital District Project. The following points were discussed:

- The need for open communication with the Landmarks Commission in developing a preservation plan for downtown.
- Community wide support of the project.
- The need for more entertainment for Topeka youth.
- The need for the City to continue to engage with business owners and create a successful plan.
- The need for the City to help build the infrastructure and work with private investors.
- The project would be a great economic asset to the community.
- This is a rare opportunity for the City to leave a lasting impression for years to come and change the place where we all live.
- The project is needed to bring a viable workforce to the Topeka-Shawnee County area.

Chad Manspeaker and Andrew Gray spoke in opposition of the Capital District Project.

The following concerns were discussed:

- A variety of businesses owners and citizens of all ages are unsure of the project because there is no concrete plan.
- There are no measurable goals which concern taxpayers.

- Questioned if the funding for the project would take away funding from other street improvement projects needed in the city.
- Questioned where the remaining \$2 million needed to complete the project would come from.
- Questioned why the funds would be used for aesthetic purposes instead of for infrastructure improvements.
- Believes the issue should be determined by a public vote.

Councilmember Swank requested the Council work to improve communications with the Landmarks Commission as they move forward with the Capital District Project.

Councilmember Preisner asked in what year was Kansas Avenue scheduled to receive mill and overlay improvements.

Norton N. Bonaparte, Jr., reported sales tax funds could only be used for street improvements such as mill and overlay and curbs and gutters of existing streets, not for aesthetics.

Mayor Bunten reported Kansas Avenue was scheduled as one of the first projects to receive improvements; however, the project was delayed due to the on-going support of the Capital District Project concept.

Councilmember Woelfel stated he had received an email from a constituent asking specific questions regarding the City's authority to transfer half cent sales tax funds to be used for the Capital District Project.

Jackie Williams, City Attorney referenced the half cent sales tax ballot question. He reported the City has the authority to use the funds for mill and overlay and repairs to existing streets, curbs, gutters and sidewalks.

Councilmember Woelfel stated he has not received any input from neighborhood improvement associations or businesses. He questioned if other projects would not be completed

if the City budgets funds for the Capital District Project. He expressed concern with the lack of a solid plan for the project and suggested placing the question on a ballot for the public to decide.

Councilmember Woelfel made a substitute motion to delay the Capital District Project allocation until the question could be placed on a ballot to be voted on by the people. The motion died due to a lack of a second.

Councilmember Archer expressed his opposition to support the CIP as presented by the City Manager because of the lack of funding support for the City's Parks and Recreation Department, specifically for the Crestview Pool. He stated although he is inclined to support the redevelopment of downtown and believes continuing to develop a plan and form a public-private partnership is important it is not a priority; however, improvements to roads, schools, police and fire departments are priorities. He reported he would develop a solid proposal to consolidate City of Topeka and Shawnee County Parks and Recreation Departments with Shelly Buhler, Shawnee County Commissioner to provide quality recreation to the community.

Councilmember Wolgast noted the Council is approving a budget for the Capital District Project and not a plan at this time. He stated a plan would be developed with adequate information for the Council to make an informed decision at a later date.

Councilmember Harmon stated he concurs with Councilmember Wolgast and stressed the importance of sufficient information to be provided to the Council covering all aspects of the plan.

Councilmember Alcala made a substitute motion to amend the resolution by removing \$650,000 to be allocated to the Oakland-Billard Spray Park in 2013 and use \$50,000 of that amount to enhance maintenance of Oakland Pool and an additional \$50,000 of that amount to

begin ADA compliance of the pool in 2011. The motion was seconded by Councilmember Archer.

Councilmember Wolgast questioned if the allocation of \$100,000 to the Oakland Pool would be enough funds to bring the pool into compliance.

Terry Bertels, Parks and Recreation Department Director stated the department recommends three ways to improve the Oakland pool: 1) install the Oakland-Billard Spray Park; 2) construct a new pool; or 3) renovate or upgrade the existing pool. He stated the Oakland pool and filtration systems are very old; as well as, the Bathhouse which is not ADA compliant. He questioned if the structural support of the pool basin has been compromised due to the age of the pool and would prefer a structural analysis be done to assess the situation.

Councilmember Swank made a friendly amendment to include a structural analysis of the pool to provide the Council with the information for the pool to become ADA compliant and the costs associated with it.

Terry Bertels stated there are no funds available in the budget at this time to do an analysis on the pool.

Councilmember Hiller asked if maintenance costs should be allocated in the Capital Improvement Program or in the City's operating budget. She suggested allocating enough money for both the Crestview and Oakland pools or a composite amount for one pool which would be approximately \$2 million. She also suggested a resolution directing City staff to set a goal of possible strategies for keeping pools open year round and providing people the opportunity for safe recreation and exercise.

Terry Bertels reported even if funds are not allocated in the Capital Improvement Program the pool would have funding for maintenance through 2012; however, funding for ADA compliance projects would be a concern.

Councilmember Alcalá stated the Council is simply earmarking the funds for pool maintenance at this time and would have an opportunity to closely evaluate each project budget as they are presented at a later date.

The substitute motion to amend the resolution by removing \$650,000 from the funds to be allocated for the Oakland-Billard Spray Park in 2013 and use \$50,000 of that amount to enhance maintenance of the Oakland Pool and \$50,000 of that amount to begin ADA compliance of the pool in 2011 carried unanimously. (8-0-0)

Councilmember Alcalá commented on the progress in the North Topeka Art District and North Topeka Business Alliance. He stated he attended an event in the proposed Art District and stated it was a great opportunity to train art students and upgrade buildings. He stated a funding source is needed to move forward with the North Topeka Art District project.

Councilmember Alcalá made a substitute motion to amend the resolution by removing \$250,000 from the \$7.5 million earmarked for the Capital District Project and allocate that amount to the North Topeka Art District for basic rehabilitation of buildings. The motion was seconded by Councilmember Woelfel.

Mayor Bunten asked if the City could use general obligation bonds to improve privately-owned buildings.

Jackie Williams stated the City is not authorized to use general obligation bonds to finance improvements to privately-owned buildings.

Councilmember Alcalá withdrew his substitute motion. The second concurred.

Councilmember Alcalá made a substitute motion to amend the resolution to delay the Highway 24 and Topeka Boulevard study in 2013 and mark it for 2016. The motion was seconded by Councilmember Woelfel.

Councilmember Harmon asked if a delay in the project would have any ramifications.

Norton N. Bonaparte, Jr., stated the City would receive matching funds from the Kansas Department of Transportation in 2015 for the project. He reported a number of discussions have occurred about the design and safety hazards in that area. He noted the project is scheduled for 2013 to construct a signalized intersection.

Councilmember Alcalá stated in his opinion, the project would not be jeopardized by delaying it a couple of years. He expressed concern with the \$1.5 million earmarked for the project and if it would take away from other higher priority projects.

Councilmember Hiller spoke in opposition to the substitute motion and questioned if they should pull funding for the project because of the matched funding by the State.

Norton N. Bonaparte, Jr., noted the Capital Improvement Program is a proposed spending plan for the future of the City to be approved by Council which would direct staff to develop the plans and specifics of each project for Council to decide at a later date.

The substitute motion to amend the resolution to delay the Highway 24 and Topeka Boulevard study in 2013 and place it in 2016 failed. Councilmembers Hiller, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon voted “no.” (1-7-0)

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

Councilmember Alcalá made a substitute motion to amend the resolution to reduce the Capital District Project from \$7 million to \$5.5 million. The motion died due to a lack of a second.

Jim Langford, Budget and Finance Director suggested reducing the general obligation funding in 2014 and authorize \$500,000 of private funds in 2014 for the Capital District Project.

Councilmember Harmon made a substitute motion to amend the resolution and reduce the Capital District Project funds from \$7 million to \$5 million for 2014. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

Councilmember Hiller made a substitute motion to amend the resolution to add \$2 million for the Crestview Pool. The motion seconded by Councilmember Archer carried unanimously. (8-0-0)

Councilmember Preisner moved to approve the resolution as amended. The motion seconded by Councilmember Wolgast carried. Councilmember Woelfel voted “no.” (7-1-0)

ORDINANCE NO. 19497 introduced by Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for The Office and The Celtic Fox for New Year’s Eve placed on first reading December 14, 2010 was again presented.

Councilmember Hiller gave the staff report.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Preisner 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: Ortiz -1.

ORDINANCE NO. 19498 introduced by City Manager Norton N. Bonaparte, Jr., concerning the effective date of retirement, amending City of Topeka Code Section 2.140.280 and specifically repealing said original section placed on first reading December 14, 2010 was again presented.

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

Councilmember Alcalá moved to adopt the ordinance. The motion seconded by Councilmember Harmon 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: Ortiz -1.

NO Retail Cereal Malt Beverage License applications were presented.

ORDINANCE NO. 19499 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of November 22, 2010, through November 28, 2010, and enumerating said expenditures therein was presented for first and final reading.

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

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

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

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

Norton N. Bonaparte, Jr., City Manager announced there would be no City Council meeting on December 28, 2010.

Councilmember Hiller complimented the lights on the Topeka Boulevard Bridge during the holiday season. She stated she has received many compliments from constituents regarding the patching of city streets. She distributed the second proposal for a Debt-Free Topeka and requested to discuss the proposal in a work session.

Councilmember Alcalá expressed his appreciation for the allocation of funds to improve Crestview Pool which he believes is vital to the community. He commented on the ice treatment of city streets. He inquired about utilizing retirees to operate snow equipment and reduce overtime costs which would be a cost savings. He requested responses to his inquiries be sent directly to him.

Norton N. Bonaparte, Jr., noted answers regarding retirees operating snow equipment have been provided in the Council Weekly Report; however, he would send the information to Councilmember Alcalá.

Councilmember Wolgast thanked the City Council for including the Capital District Project in the Capital Improvement Program and Budget. He stated it is a significant step in allowing the community to move forward and work together to bring forth exciting ideas.

Councilmember Swank stated approval of the Capital District Project concept is proof the visioning process is working and recognized the ideas citizens have brought forward to the Council.

Councilmember Archer thanked the City Council for supporting the allocation of funds for the Crestview Pool in 2014. He stated he believes it is a quality of life issue and it would greatly benefit the community.

Councilmember Harmon encouraged the Council to take time to remember those in need at this time of year.

Councilmember Alcalá 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 8:16 p.m.

Brenda Younger
City Clerk