

## **Council Minutes – January 11, 2011**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 11, 2011. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Councilmember Ortiz asked for a moment of silent meditation.

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

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Ezell Monts, Jr., to the Human Relations Commission for a term ending January 31, 2013 was presented.

MINUTES of the regular meeting of January 4, 2011 were presented.

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

Councilmember Alcala moved to suspend the Council Rules to add a resolution to the Council agenda. The motion seconded by Councilmember Ortiz carried. Councilmembers Hiller and Woelfel voted “no.” (7-2-0)

Councilmember Alcala moved to add a resolution concerning the installation of sanitary sewer for Jerry’s Bike Shop to the City Council agenda. The motion seconded by Councilmember Ortiz failed. Councilmembers Hiller, Woelfel, Wolgast, Swank and Harmon voted “no.” (4-5-0)

Councilmember Alcala moved to reinstate the Council Rules. The motion seconded by Councilmember Woelfel carried unanimously. (9-0-0)

ORDINANCE NO. 19502 introduced by City Manager Norton N. Bonaparte, Jr., adding a court technology fee to mandatory court costs and fees by amending Section 2.110.010 of the Code of the City of Topeka and specifically repealing said original section as well as creating Section 3.25.170 placed on first reading January 4, 2011 was again presented.

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

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

Councilmember Alcala questioned why the issue of court fee increases and computer system upgrades were not discussed during last year's budget deliberations.

Steve Ebberts, Municipal Court Judge stated it was his understanding due to employee reductions and cuts in departmental operating budgets last year there were no extra funds to use for these types of requests. He reported as a result of employee reductions and an aged computer system, staff has been researching ways to be more efficient and innovative with the court system and electronic citations.

Mayor Bunten stated he supports purchasing necessary equipment upgrades and increasing court fees; however, he is opposed to developing a special fund that could not be used for other purposes if needed. He stated he believes creating special funds is not a good policy.

Councilmember Alcala spoke in opposition to increasing court fees because he believes it does not address the problem of collecting outstanding Municipal Court debt. He stated he believes there are other alternatives such as an amnesty program to help collect outstanding court fines.

Councilmember Woelfel asked why the \$5 fee could not be allocated to the general fund.

Judge Ebberts stated if the funds are placed in the general fund they may be used for expenditures unrelated to the Court; however, a special fund provides an ongoing funding source to allow for upgrades as needed. He noted the ordinance includes a provision that would allow the City Manager to transfer up to one-half of the ending balance, less any committed future expenditures, to the City's general fund at the end of the fiscal year.

Councilmember Wolgast stated the reduction in staff has made it very difficult for City departments to function properly and this is a unique way of finding a funding source and providing the necessary tools for improved operations.

Councilmember Ortiz questioned why adult seatbelt violations were exempt from the fee increases.

Judge Ebberts stated the current city ordinance prohibits the City from assessing court costs for adult seatbelt violations.

Councilmember Ortiz requested in the future that all departments express their needs during budget deliberations.

Councilmember Hiller expressed concern with the decrease in collections of outstanding fines from year to year; and creating a special fund which the Council has no control over the detailed spending of the fund.

Norton N. Bonaparte, Jr., stated Judge Ebberts would determine how the funds would be expended.

Judge Ebberts stated in regards to all administrative matters he would present all proposed funding expenditures to the City Manager for final approval.

Mayor Bunten expressed concern with the Council approving the special fund request because it sets precedence for Police, Fire, and the Parks and Recreation Departments to make similar requests.

Councilmember Hiller expressed concern with establishing a special fund with spending restrictions. She questioned if the ordinance could be amended to approve the fee increase as a source for the 2011 general fund.

Norton N. Bonaparte, Jr., stated the Council could amend the ordinance; however, by establishing the fund it would restrict how the revenue would be spent which is the purpose of the fund. He noted the proposed revenue stream would be created by the people using the court system, not the general taxpayer.

Councilmember Swank thanked Judge Ebberts and his staff for researching the issue and proposing a viable solution. She noted the current computer system used by Municipal Court is 12 years old and needs upgraded. She stated in her opinion the Council should make the budget and policy decisions and allow staff to make the administrative decisions.

The motion to adopt the ordinance carried. Councilmember Alcalá voted “no.” (8-1-0)

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

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. The ordinance was deferred from the meeting of December 7, 2010.

Norton N. Bonaparte, Jr., City Manager requested to withdraw the ordinance from the Council agenda due to unfavorable market prices at this time.

Councilmember Preisner moved to withdraw the ordinance. The motion seconded by Councilmember Woelfel carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

No Retail Cereal Malt Beverage License applications were presented.

Councilmember Preisner left the meeting.

ORDINANCE NO. 19503 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of December 13, 2010, through December 19, 2010, and enumerating said expenditures therein was presented for first and final reading.

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

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

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

ORDINANCE NO. 19504 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of December 20, 2010, through December 26, 2010, and enumerating said expenditures therein was presented for first and final reading.

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

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

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

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire fee simple interest for the following public purposes: obtain a site for a water tower to provide improved water service to South Topeka, as well as, water service for further growth south of Topeka including the new Kanza Fire Commerce Park, Project No. T-861003.00 (HTE 862620) was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301010.00 (HTE 302890), which provides for the renovation of Gage Park Playland, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301025.00, which provides for improvements to Cypress Ridge Golf Course, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301026.00, which provides for renovation of Oakland Pool, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

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

Councilmember Ortiz thanked everyone for the supportive phone calls, cards and gifts during her time of illness.

Councilmember Swank asked Jim Langford to comment on the City's external audit. She thanked staff for maintaining good financial reporting annually.

Jim Langford, Budget and Finance Director reported the City is reviewed annually for procedures in the proper handling, reporting and accuracy of funds. He announced the City's 2009 external audit report was very good.

Jolana Pinon appeared to speak under public comment.

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

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:58 p.m.

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Brenda Younger  
City Clerk