

Council Minutes – January 18, 2011

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 18, 2011. 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 and Preisner -8. Mayor Bunten presided -1. Absent: Councilmember Harmon -1.

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

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

A PRESENTATION on the Topeka Police Department for year 2010 was given by Ron Miller, Topeka Police Chief. He briefly discussed the School Resource Officers Program, the Community Policing Unit, 2010 Crime Statistics, ordinance changes, Topeka Public Schools Truancy Program Review, the Underage Drinking Initiative, Operation Strong Safety, and Community Partnership Initiatives. Dr. Kevin Singer, Superintendent U.S.D. 501 thanked the City Council for their continued partnership with U.S.D. 501 and the positive results the School Resource Officers Program has generated in the public school system.

A PRESENTATION of the Quarterly Human Relations Commission Troy Scroggins Award for a Private Business was presented by Lorean Williams to Community First, Inc.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of January 11, 2011 were presented.

A Dance Hall License application was presented for Los Charros located at 4111 SW Gage Center Drive.

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

A PROJECT BUDGET in the amount of \$950,000 and ORDINANCE NO. 19505 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 placed on first reading January 11, 2011 was again presented.

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

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

Councilmember Archer made a substitute motion to defer the project budget and ordinance until July 12, 2011. The motion was seconded by Councilmember Woelfel.

Councilmember Archer stated he believes Cypress Ridge Golf Course should be competitive with other golf courses in the surrounding area; however, he is working with Shawnee County Commissioner Shelly Buhler on a proposal to consolidate the City and County Parks and Recreation Departments. He noted he hopes to present the proposal to the Council in early May 2011. He stated the consolidation would provide a better product with lower costs and believes with the current budget realities, the proposal may have a good chance. He requested the Council allow time to evaluate the consolidation proposal and defer the project to a later date.

Councilmember Preisner stated he would not support the substitute motion to defer because if the consolidation is approved, the assets acquired would include the debt.

Councilmember Alcalá stated he would not support the motion to defer because he is not in favor of delaying the project, and historically consolidation proposals are not approved.

Councilmember Woelfel thanked Councilmember Archer for taking the initiative to work with Shawnee County Commissioner Shelly Buhler and stated the partnership may give the proposal the momentum needed to implement a successful consolidation. He encouraged the Council to research the best use of taxpayer dollars and noted the decision to consolidate should allow plenty of time to make a decision on the project.

The substitute motion to defer the project budget and ordinance until July 12, 2011 failed. Councilmembers Hiller, Alcalá, Wolgast, Swank and Preisner voted “no.” (4-5-0)

Ron Whitten spoke in support of the project. He stated by replacing the irrigation system the City would realize a cost savings over a ten-year period through the conservation of water and chemicals.

Councilmember Woelfel questioned the overall debt service amount and why it is not listed on the project budget. He also asked for a breakdown of the construction costs.

Pam Simecka, City Controller reported the project budget outlines the construction costs, interest is tracked after the completion of construction, then the debt service is calculated.

Terry Bertels, Parks and Recreation Department Director reported cost of the anticipated design and installation of the system is estimated at \$950,000.

Councilmember Woelfel asked if the design costs have gone through the Request for Proposal (RFP) process.

Terry Bertels stated the project would not follow the RFP process until the Council has approved the project budget.

Norton N. Bonaparte, Jr., stated a project is presented to the Council with estimated costs and only after approval of the project, would the contract go out for bid.

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

Councilmembers Woelfel and Archer voted “no.” (6-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Wolgast, Swank and Preisner -6. Noes: Woelfel and Archer -2. Absent: Harmon -1.

A PROJECT BUDGET in the amount of \$250,000 and ORDINANCE NO. 19506 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 placed on first reading January 11, 2011 was again presented.

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

Joanne Morrell, Kansas Children’s Discovery Center Executive Director distributed a master site plan of the area and announced the center has raised approximately \$6.9 million in private funds. She also announced there is a grand opening celebration planned for June 1, 2011. She stated she has heard positive feedback from donors and supporters about the proposed improvements and enhancements to Gage Park and the Mini Train. She thanked the Council for their support of the project.

Mayor Buntin complimented the Kansas Children’s Discovery Center for the remarkable effort of raising \$6.9 million in private funds for the center.

Councilmember Preisner questioned if the project would be completed in time for the grand opening of the center.

Terry Bertels, Parks and Recreation Department Director stated he is confident the project would be completed on time.

Mayor Bunten stated he believes Gage Park is an asset to the Topeka community; however, he is concerned with the cost of the project.

Terry Bertels explained the project consists mainly of playground equipment totaling \$212,000 including rubber mats and sidewalks. He stated the playground area is heavily used by families and the new Children's Discovery Center would increase the need to improve the area.

Councilmember Wolgast stated he has monitored the playground area and understands the need to improve the play structures as it is utilized almost year round. He also stated he believes Gage Park is considered a front door to the city, a free avenue for families to enjoy. He noted if the Children's Discovery Center could raise approximately \$6.9 million in private funds the City should be able to do their part to help improve the park.

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

Councilmember Woelfel asked if the project would add more play equipment to the playground area.

Terry Bertels stated the project consists of two different play structures and some smaller structures. He noted the project would more than double the ability to handle the current volume of people.

Councilmember Woelfel expressed concern with the details of the project budget and stated he would not support the project until the consolidation proposal has been presented to the Council.

Terry Bertels stated the design plans and pricing of play equipment have been determined by City staff.

Councilmember Archer stated he would not support approval of the project until the consolidation proposal has been presented to the Council.

Councilmember Hiller stated she believes the Gage Park play area is worn out and dangerous and the City should reinvest in the community. She expressed concern with borrowing funds for the project. She noted she continues to work on a debt consolidation proposal for the City.

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

Councilmembers Woelfel and Archer voted “no.” (6-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Wolgast, Swank and Preisner -6. Noes: Woelfel and Archer -2. Absent: Harmon -1.

A PROJECT BUDGET in the amount of \$100,000 and ORDINANCE NO. 19507 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 placed on first reading January 11, 2011 was again presented.

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

Councilmember Alcala moved to approve the project budget and adopt the ordinance.

The motion was seconded by Councilmember Preisner.

Councilmember Woelfel stated it was his understanding the Council made a commitment not to bond projects that were \$100,000 or less.

Norton N. Bonaparte, Jr., reported the Council gave directive not to bond projects less than \$100,000. He noted the project was included in the Capital Improvement Program.

Councilmember Hiller noted she sent an email to the City Manager requesting staff to compare the overall operations of private and public owned pools. She stated it was her intent the compiled information would help determine the next steps needed to improve the Oakland and Crestview Community Pools prior to budget deliberations.

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

Councilmembers Woelfel and Archer voted “no.” (6-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Wolgast, Swank and Preisner -6. Noes: Woelfel and Archer -2. Absent: Harmon -1.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 6.20.120 and Section 6.30.100 concerning permit fees for cats and dogs and specifically repealing said original sections placed on first reading June 22, 2010 was again presented.

Councilmember Ortiz gave the staff report. She stated the Public Health and Safety Committee has not been able to meet to make a recommendation to the Council due to weather conditions and her medical leave of absence.

Councilmember Ortiz moved to refer the ordinance to the Public Health and Safety Committee. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

ORDINANCE NO. 19508 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) placed on first reading January 11, 2011 was again presented.

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

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

Councilmember Woelfel asked if there is a conflict of interest for the Councilmembers who serve on the Joint Economic Development Organization Board or Growth Organization of Topeka Board if they vote on this issue.

Braxton Copley, Deputy City Attorney stated in his opinion there is not a conflict of interest. He reported the ordinance relates to the acquisition of land to use as a site for a future water tower to improve the water system within the City's corporate limits of South Topeka.

Councilmember Woelfel asked if the City was able to negotiate with the property owner.

Braxton Copley stated the City and the property owner have not come to an agreement on the terms of purchasing the parcel at this time.

The motion to adopt the ordinance carried unanimously. Mayor Bunten voted "yes."
(9-0-0)

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

ELECTION of City Council representative to serve a one-year term on the Heartland Visioning Administrative Committee was presented.

Councilmember Preisner stated he would be willing to serve on the Heartland Visioning Administrative Committee. He asked if the Councilmember elected to the Committee would have to abstain from voting on funding allocated to Heartland Visioning.

Braxton Copley, Deputy City Attorney stated in his opinion, under K.S.A. 75-4302a, Councilmembers are required to disclose information on a Statement of Substantial Interest which would exclude them from a conflict of interest per K.S.A. 75-4301a.

Councilmember Archer nominated Councilmember Preisner.

Councilmember Hiller inquired on the duties of the Heartland Visioning Administrative Committee.

William Beteta, Heartland Visioning Executive Director explained the Administrative Committee would act as the Executive Board of Heartland Visioning; and the Steering Committee would act as the Board of Directors to represent the community.

Upon hearing no further nominations, the Mayor asked the Council to cast their votes on selection of a Heartland Visioning Administrative Committee member.

After the tally of votes, the City Clerk announced Councilmember Preisner received eight votes.

Mayor Bunten announced Councilmember Preisner would serve as the new member of the Heartland Visioning Administrative Committee.

ELECTION of City Council representative to serve a one-year term on the Heartland Visioning Steering Committee was presented.

Councilmember Preisner nominated Councilmember Archer.

Councilmember Wolgast nominated Councilmember Swank.

Councilmember Archer declined the nomination.

Upon hearing no further nominations, the Mayor asked the Council to cast their votes on selection of a Heartland Visioning Steering Committee member.

After the tally of votes, the City Clerk announced Councilmember Swank received eight

votes.

Mayor Bunten announced Councilmember Swank would serve as the new member of the Heartland Visioning Steering Committee.

RESOLUTION NO. 8307 introduced by City Manager Norton N. Bonaparte, Jr., supporting the Joint Economic Development Organization to direct the Growth Organization of Topeka/Shawnee County to provide funding on behalf of the City of Topeka in support of the Heartland Visioning Project was presented.

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

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

Councilmember Woelfel asked for clarification on the City's authority to direct the allocation of funds.

Braxton Copley, Deputy City Attorney stated the City, as a member of Joint Economic Development Organization, is requesting funds be distributed to GO Topeka on behalf of the City.

The motion to approve the resolution carried. Councilmember Woelfel voted "no."
(7-1-0)

NO Retail Cereal Malt Beverage License applications were presented.

ORDINANCE NO. 19509 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of December 27, 2010, through January 2, 2011, and enumerating said expenditures therein was presented for first and final reading.

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

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

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

Norton N. Bonaparte, Jr., City Manger invited the public to ice skate at the Polar Ice Cap skating rink located at the Topeka Zoo. He stated the ice rink is open weekly from 9:00 a.m. to 4:30 p.m. Thursday, and 5:30 p.m. to 8:00 p.m. on Saturday.

Councilmember Alcalá asked what the snow removal policy is for city streets.

Braxton Copley, Deputy City Attorney stated he would provide a written statement outlining the snow removal policy for city streets to the Council. He reported the collector and arterial streets are cleared first and residential streets are treated with salt and sand.

Councilmember Alcalá asked how long it takes on average to remove two to three inches of snow from city streets.

Braxton Copley stated the City generally only treats the streets if snowfall is less than two inches. He reported snow blades are lowered no less than one-inch off the ground to minimize damage to trucks and streets.

Councilmember Alcalá suggested eliminating overtime for City street workers by hiring retirees or partnering with Shawnee County to plow city streets which he believes would be quicker and more cost effective. He questioned if Jerry's Bike Shop was included in the approval of a Planned Unit Development (PUD) zoning case in March, 2006 for the same area,

and if not, what steps need to be taken to have sanitary sewer lines installed for Jerry's Bike Shop.

Councilmember Ortiz asked who would be responsible for snow removal of a T-bone street. She stated she appreciates the Council's support during her upcoming medical leave of absence.

Councilmember Woelfel asked how the City enforces snow removal of residential sidewalks.

Norton N. Bonaparte, Jr., reported reminders are sent to residents based on complaints.

Councilmember Swank encouraged residents to remove snow from their sidewalks in a timely manner.

Councilmember Preisner thanked the Council for their support in approving the projects on the agenda.

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 7:52 p.m.

Brenda Younger
City Clerk