

Council Minutes – June 7, 2011

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 7, 2011. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray and Harmon -8. Mayor William W. Bunten presided -1. Absent: Councilmember Alcalá -1.

AFTER THE MEETING was called to order, T.D. Hicks, Antioch Missionary Baptist Church and Pastor Roger Randel, Randel Ministries gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8341 introduced by Councilmember Sylvia Ortiz granting John Moyer an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

MINUTES of the regular meeting of May 24, 2011 were presented.

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

A PROJECT BUDGET in the amount of \$677,406.88 and ORDINANCE NO. 19573 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70200-01, which provides for reconstruction of SW Wanamaker Road from SW 37th Street to SW 39th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and specifically repealing Ordinance No. 18709 placed on first reading May 24, 2011 was again presented.

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

Councilmember Ortiz moved to approve the project budget and ordinance. The motion seconded by Councilmember Manspeaker carried unanimously. (8-0-0)

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

A PROJECT BUDGET in the amount of \$2,299,775 and ORDINANCE NO. 19574 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-301034.00 which provides for a new roofing system for the rainforest at the Zoo, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading March 22, 2011 was again presented.

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

Brendan Wiley, Zoo Director reported the design service evaluated the need for improvements and determined the rainforest building structure was sound; the acrylic panels have outlived their lifespan; and the fire sprinkler system and portions of the roof need to be replaced. He stated the study recommended adding enough space to house the rainforest animals for six months to complete the project. He noted the project budget decreased from \$2.3 million to \$1.2 million.

Councilmember Harmon asked if the study addressed the HVAC system in the rainforest building.

Brendan Wiley stated the current HVAC system was installed in 2009 and is functioning effectively; however, it was determined if tenting was applied to the current roofing system they would realize additional savings.

Councilmember Gray commended Brendan Wiley for a reduction in the project budget and questioned why there was such a large discrepancy.

Brendan Wiley stated the best method to determine a project cost when drafting the Capitol Improvement Plan and the Capitol Improvement Budget is a best estimate. He reported the estimate was determined by the actual replacement cost for one panel, multiplied by the number of panels needed, then the total amount was reduced by 25%.

Councilmember Wolgast moved to amend the project budget and ordinance to reflect a total project budget in the amount of \$1,211,527 and a new project description to state the following: “This project will provide the design and construction of a new roofing system, fire sprinkler system and a new addition at the Topeka Zoological Park Rain Forest. The project will require acrylic lens replacement of the dome, a new 60 mil thermoplastic (TPO) membrane roofing system for the support areas, a new building fire sprinkler system, and a new 1,118 square foot building addition.” The motion was seconded by Councilmember Harmon.

Councilmember Hiller asked if sustainability and innovation were factors considered when hiring an engineering consultant. She stated she appreciates spending a small amount of money on a study to realize a huge savings on overall project costs.

Brendan Wiley stated sustainability was one of the factors the engineer considered when conducting the study.

The motion to amend the project budget and ordinance to reflect a total project budget in the amount of \$1,211,527 and a new project description to state the following: “This project will provide the design and construction of a new roofing system, fire sprinkler system and a new addition at the Topeka Zoological Park Rain Forest. The project will require acrylic lens replacement of the dome, a new 60 mil thermoplastic (TPO) membrane roofing system for the support areas, a new building fire sprinkler system, and a new 1,118 square foot building addition” carried unanimously. (8-0-0)

Councilmember Wolgast moved to approve the project budget and adopt the ordinance as amended. The motion seconded by Councilmember Harmon carried unanimously. (8-0-0)

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

RESOLUTION NO. 8342 introduced by Councilmember Larry Wolgast amending Topeka City Council Rules and Procedures 7.1(f) concerning television coverage of Council Committee meetings placed on first reading May 17, 2011 was again presented.

Councilmember Wolgast gave the staff report.

Councilmember Wolgast moved to amend the resolution to delete the word “live” on Line 132. The motion was seconded by Councilmember Hiller.

Councilmember Hiller thanked Councilmember Wolgast for the amendment. She stated she was concerned the word “live” would place limitations on the Council’s flexibility of scheduling committee meetings.

The motion to amend the resolution to delete the word “live” on Line 132 carried unanimously. (8-0-0)

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

APPROVAL of an Agreement for the proposed lease of City property at 550 NW 46th Street (water tower) to New Cingular Wireless PCS for placement of wireless communication equipment on top of the Water Tower was presented. (*Contract No. 41341*)

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

Braxton Copley, Office of Utilities and Transportation Director reported Shawnee County zoning regulations promote consolidation of tenants on existing structures. He reported

the County urged AT&T to approach the City regarding the lease of the water tower. He recommended approval of the lease.

Councilmember Everhart expressed concern with the safety of the maintenance workers when they are required to work on the equipment.

Braxton Copley stated safety issues have been adequately addressed.

Councilmember Ortiz moved to approve the agreement. The motion seconded by Councilmember Everhart carried unanimously. (8-0-0)

A RESOLUTION introduced by Deputy Mayor John Alcala, relating to the repair of the curb at Quincy Elementary School, 1500 NE Quincy was presented.

Councilmember Hiller moved to defer the resolution for one week. The motion seconded by Councilmember Wolgast carried unanimously. (8-0-0)

A RESOLUTION introduced by Councilmember Bob Archer regarding the City Council's guidance and direction to the City Administration relating to the 2012 Budget was presented.

Councilmember Archer gave the staff report.

Councilmember Archer distributed Councilmember Hiller's debt-free proposal for review, comments, and additional ideas on possible strategies to become a debt-free City by 2040.

Mayor Buntten commended Councilmember Hiller for her work on the debt-free proposal. He encouraged the Governing Body to seriously discuss and consider the proposal and offer comments and ideas at a later date.

Councilmember Archer noted the debt free proposal would require a mill levy increase.

Councilmember Archer moved to amend the resolution beginning on Line 15 to delete

the statement, “In addition, to buttress our reserves and adequately prepare for unforeseeable events, an ending balance of \$7.0 million will be assumed in the budget deliberations.” The motion was seconded by Councilmember Gray.

Jim Langford, Budget and Finance Director provided a handout relating to the general fund ending balance history. He stated internal audits were conducted and recommendations were made on how to recognize sales tax revenues and court revenues. He noted the City would now make sales tax revenue projections every two months, instead of monthly.

Councilmember Archer stated the resolution affirms there would be no mill levy increase with a \$7.0 million ending fund balance, with expenses and revenues balanced.

Councilmember Hiller referenced Committee of the Whole discussions that provided directive to staff to present a budget with a minimal mill levy increase without interrupting current City services.

Councilmember Archer stated he believes the directive was not concrete and this resolution would provide a concrete directive and firm opinion to the City Manager.

Councilmember Harmon spoke in opposition to the resolution and stated he believes it is premature at this time.

Councilmember Wolgast commented on Committee of the Whole meeting discussions and stated he believes it is inappropriate to set a zero mill levy increase before addressing the needs of the City. He spoke in support of a zero mill levy increase if it would generate the type of city residents want. He distributed a handout and reported if the City would have increased the mill levy over the past several years in small increments like Shawnee County the City would have an additional \$49 million in the budget.

Councilmember Everhart expressed concern with the amount of time staff has already spent on preparing a budget and believes it would be inappropriate to change the directive midstream. She noted the Council's directive did not mean there would be an increase in the mill levy.

Norton N. Bonaparte, Jr., stated he is preparing a budget with an increase of three mills to keep City services running without interruption. He stated in his opinion, a zero mill levy would have a drastic effect on City services.

Councilmember Hiller spoke in support of a possible raise in the mill levy if necessary. She noted the financial goal for the City has always been to keep \$10 million in reserves to protect bond ratings.

The motion to amend the resolution beginning on Line 15 to delete the statement, "In addition, to buttress our reserves and adequately prepare for unforeseeable events, an ending balance of \$7.0 million will be assumed in the budget deliberations." failed. Councilmembers Ortiz, Everhart, Wolgast and Manspeaker voted "no." (4-4-0)

Councilmember Archer moved to approve the resolution. The motion seconded by Councilmember Gray failed. Councilmembers Hiller, Ortiz, Everhart, Wolgast, Manspeaker and Harmon voted "no." (2-6-0)

ORDINANCE NO. 19575 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 9, 2011, through May 15, 2011, and enumerating said expenditures therein 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 Everhart carried unanimously. (8-0-0)

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

ORDINANCE NO. 19576 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 9, 2011, through May 15, 2011, and enumerating said expenditures therein 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 Manspeaker carried unanimously. (8-0-0)

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

A Retail Cereal Malt Beverage License application for Super Store located at 2121 SW Wanamaker Road was presented.

Councilmember Ortiz moved to approve the retail cereal malt beverage license application as presented. The motion seconded by Councilmember Gray carried unanimously. Mayor Buntin voted “yes.” (9-0-0)

ORDINANCE NO. 19577 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 at 835 SW Polk Street and 701 SW 8th Street from “M-2” Multiple Family Dwelling District TO “PUD” Planned Unit Development District (“U-1” use group) placed on first reading May 24, 2011 was again presented. (*PUD11/1*)

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

Exparte communications were declared by Councilmembers Hiller and Ortiz.

Councilmember Hiller reported area residents support the project; however, she cautioned the applicant and City staff to follow the proper procedures on the changes made to the property due to pending litigation.

Councilmember Harmon referenced the pending lawsuit and asked if the zoning issue would complicate the legal issues surrounding Bethany Place.

Jackie Williams, City Attorney stated the zoning issue would not have any effect on the lawsuit.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Wolgast carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

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

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning immobilization and impoundment of vehicles for unpaid parking tickets creating Article 11 of Chapter 10.60 of the Code of the City of Topeka, amending 10.10.160 and repealing said original section was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Horseshoe Bend Subdivision with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. 40936-00, as defined and described in Resolution No. 7798, adopted and approved May 9, 2006 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka,

Shawnee County, Kansas, for the improvement of Lauren's Bay Villas with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. 40945-00, as defined and described in Resolution No. 7802, adopted and approved on May 16, 2006 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Lauren's Bay Estates with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. 40951-01, as defined and described in Resolution No. 8010, adopted and approved October 23, 2007 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Capricorn Woods Subdivision and Capricorn Woods Subdivision No. 3 with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60610-02 as defined and described in Resolution No. 8037, adopted and approved March 4, 2008 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Horseshoe Bend Subdivision with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60619-00 as defined and described in Resolution No. 7894, adopted and approved on November 28, 2006 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Lauren's Bay Villas Subdivision with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60625-00 as defined and described in Resolution No. 7801, adopted and approved on May 16, 2006 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Legend Ridge Estates Subdivision No. 2 with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60635-01 as defined and described in Resolution No. 8155, adopted and approved April 28, 2009 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement to part of Kaw Half-Breed Reserve No. 2 with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. T-401011.00, as defined and described in Resolution No. 8134, adopted and approve January 6, 2009 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Cedar Crest Office Park Subdivision with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer

Improvement Project No. T-401014.00, as defined and described in Resolution No. 8166, adopted and approved June 9, 2009 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Lauren's Bay Estates with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. T-601004.00 as defined and described in Resolution No. 8093, adopted and approved August 26, 2008 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Cedar Crest Office Park Subdivision with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. T-601016.00 as defined and described in Resolution No. 8167, adopted and approved on June 9, 2009 was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager announced Council Work Sessions will now be televised on City 4 each week with Council meetings. He stated Council Work Sessions and Council meetings would be re-broadcast weekly on Wednesday at 1:00 p.m.; and Saturday and Sunday at 9:00 a.m. He also announced the City in collaboration with Heartland Visioning and Think Big Topeka has scheduled a Budget Forum on June 9th at the Topeka-Shawnee County Public Library.

Councilmember Hiller announced a Brick Street and Sidewalk Forum would be held June 15th at 6:00 p.m. at the Cyrus K. Holliday building located at 620 SE Madison to discuss, review and comment on the standard policy. She encouraged the public to attend and provide input on the policy and preservation map.

Councilmember Everhart encouraged the public to attend the Budget Forum on June 9th at the Topeka-Shawnee County Public Library at 6:00 p.m. She stated citizens could participate by providing input and sharing ideas on the budget.

Councilmember Wolgast reported he attended the celebration of the completion of the Richie Housing Complex. He stated it is an outstanding new structure and encouraged citizens to visit. He noted a picture depicting the development of the housing complex was presented to the City for display.

Councilmember Manspeaker commented on “City Camp” a non-profit and non-political organization focusing on innovation for municipal governments and community organizations. He stated he would like to facilitate and interact with the community to build a concrete plan on how the City should advance into the future. He also stated the City should participate and interact more with citizens on Facebook and Twitter.

Councilmember Harmon commended Councilmember Manspeaker on great ideas relating to social media and interaction with the community.

Mayor Bunten recognized Boy Scout Troop No. 26 for attending the meeting. He asked if the proposed City-County Parks and Recreation Department consolidation could save \$100 million over the next 20 years as implied by the media.

Jim Langford, Budget and Finance Director stated City-County departmental consolidation does not generally save taxpayer dollars because operating funds are usually shifted to the responsible government entity.

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

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:32 p.m.

Brenda Younger
City Clerk