

Council Minutes – June 26, 2012

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 26, 2012. 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, Everhart, Wolgast, Manspeaker, Archer, Gray and Harmon -9. Mayor William W. Bunten presided -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.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Kenneth R. Scott to the Downtown Business Improvement District Advisory Board for a term ending June 30, 2014 was presented.

RESOLUTION NO. 8438 introduced by Councilmember John Alcalá granting Fiesta Mexicana an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8439 introduced by Councilmember John Alcalá granting Fiesta Mexicana 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 June 19, 2012 were presented.

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

A NOTICE OF INTENTION, A PROJECT BUDGET in the amount of \$1,361,709 and ORDINANCE NO. 19743 introduced by Interim City Manager Pamela S. Simecka, authorizing Improvement Project No. T-291017.01 for emergency backup power for Shunga Pump Station,

Phase 2, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the cost of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof placed on first reading June 19, 2012 was again presented.

Pamela S. Simecka, Interim City Manager gave the staff report.

Councilmember Archer moved to approve the notice of intention and project budget and adopt the ordinance. The motion seconded by Councilmember Everhart carried unanimously. Mayor Bunten voted "yes." (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Bunten -10.

A NOTICE OF INTENTION, A PROJECT BUDGET in the amount of \$3,337,300 and ORDINANCE NO. 19744 introduced by Interim City Manager Pamela S. Simecka, authorizing Improvement Project No. T-281049.00 for improvements to the South Topeka water system, approving cost estimates of the proposed improvements and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the

municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the cost of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof placed on first reading June 19, 2012 was again presented.

Pamela S. Simecka, Interim City Manager gave the staff report.

Braxton Copley, Office of Utilities and Transportation Director reported the project would extend the transmission main along SW 57th Street to SW Topeka Boulevard, and continue back to create a looped system, allowing the City to continue to receive water to fill the tower if there is a waterline break. He also reported the project would provide improvements to four South Pump Stations including Norwood, Central Park, Kirklawn and Montara. He stated the most significant improvements would be done to the Montara Pump Station because it has the most critical need for correcting water pressure deficiency for the area.

Councilmember Wolgast stated there is very low water pressure in the area which includes Heartland Park and Forbes Field. He noted it is an important area of the City regarding fire protection and water service and the needs should be addressed.

Braxton Copley reported Heartland Park has very low water pressure; however, they do have a pump station to help them receive water for race events and Forbes Field has their own pump station and water tower. He stated the project would improve the fire and water service reliability to the overall water system in South Topeka including Heartland Park, Forbes Field, Montara and Kanza Fire Commerce Park.

Councilmember Alcala asked if there was a procedure in place to check and monitor water pressure; what levels are considered good or bad; and what is the water pressure rating for the Montara area.

Braxton Copley reported water pressure is measured by the monitors on a SCADA (Supervisory Control And Data Acquisition) system and/or through the hydrant testing program at hydrants. He noted 40 to 80 pounds per square inch (psi) of pressure is considered good, 20 psi of pressure is considered bottom level. He stated the Montara area is low at 35 to 40 psi range and Heartland Park is close to the 40 psi range.

Councilmember Hiller stated Shawnee County has conducted an extensive number of hearings on the future land use of south Topeka since the proposal has been drafted. She asked if the improvement project would be adequate to provide good water pressure for what is being envisioned for the area.

Braxton Copley stated the potential area that could be served would depend on many factors; however, he believes the project would be adequate for the current land use plans.

Councilmember Everhart encouraged the Council to support the project. She stated the project is an important step in the overall improvement of water pressure for the south Topeka area, as well as, a step in the right direction for fixing low water pressure in Council District No. 4.

Councilmember Ortiz asked how much area the project would cover. She noted there are many residents in Council District No. 3 that have very low water pressure.

Braxton Copley stated the project would cover areas located south of 37th Street with the north boundary being 53rd Street.

Councilmember Wolgast asked for clarification of project upgrades, as well as, improvements to other pump stations.

Braxton Copley stated the Central Park, Kirklawn and Norwood Pump Station upgrades are needed to improve the reliability to the east pressure zone; the Montara Pump Station upgrades are needed to provide interim and back up water pressure to the Montara area; and enable the creation of a new south pressure zone.

Councilmember Everhart moved to approve the notice of intention and project budget and adopt the ordinance. The motion seconded by Councilmember Gray carried unanimously. Mayor Buntten voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Buntten -10.

Councilmember Manspeaker requested to add a resolution granting a noise exception for Sue Rodriguez to the Council agenda.

Upon hearing no objections, Mayor Buntten announced the resolution would be added to the Council agenda under New Business as item 6E.

ORDINANCE NO. 19745 introduced by Councilmember John Alcalá authorizing the sale, consumption and possession of alcoholic liquor as part of the 2012 Fiesta Mexicana at specified locations and times for a special event pursuant to K.S.A. 41-719(a)(2) and K.S.A. 41-2645(e)(1) placed on first reading June 19, 2012 was again presented.

Councilmember Alcalá gave the staff report.

Councilmember Alcalá moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Buntten voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Buntten -10.

ORDINANCE NO. 19746 introduced by Councilmember John Alcalá authorizing the sale, consumption and possession of alcoholic liquor as part of the Fiesta Mexicana Parade and

Street Party at specified locations and times for a special event pursuant to K.S.A. 41-719(a)(2) and K.S.A. 41-2645(e)(1) placed on first reading June 19, 2012 was again presented.

Councilmember Alcala gave the staff report.

Councilmember Alcala moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Bunten -10.

RESOLUTION NO. 8440 introduced by Councilmember John Alcala granting a waiver to the provisions of City of Topeka Code Section 10.60.120 relating to parking on unimproved areas was presented.

Councilmember Alcala gave the staff report.

Councilmember Alcala moved to approve the resolution. The motion seconded by Councilmember Wolgast carried unanimously. (9-0-0)

ORDINANCE NO. 19747 introduced by Interim City Manager Pamela S. Simecka, allowing and approving City expenditures for the period of May 26, 2012 through June 1, 2012, and enumerating said expenditures therein was presented for first and final reading.

Pamela S. Simecka, Interim City Manager gave the staff report.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Gray carried unanimously. (9-0-0)

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

A FINAL PLAT for Woodgate Subdivision No. 6 a tract of land located at the southwest corner of the intersection of NW 46th Street and NW Button Road, outside the City’s Municipal

Service Area and within the three-mile extra-territorial jurisdiction of the City of Topeka all being within unincorporated Shawnee County, Kansas was presented. (P07/6)

Pamela S. Simecka, Interim City Manager gave the staff report.

Steve LaCasse, Bartlett & West Engineers appeared to answer questions.

Councilmember Harmon stated he reviewed the staff analysis which did not initially endorse the development because it was located outside the Municipal Service Area (MSA). He noted he read the language in the staff report relating to the bonded indebtedness and asked staff to clarify their concerns and recommendations made to the Planning Commission.

Bill Fiander, Deputy Planning Department Director reported Woodgate Subdivision No. 6 is located outside the City's Municipal Service Area; however, the development was approved because precedence was set in 2006 to approve the North Plan Growth Area with the intent to generate revenue to pay the bonds that financed the Half-Day Creak Interceptor project; however, the development has not kept pace to pay the bonds and the payments are coming due. He stated he recognizes this is a policy decision by the Council even though it conflicts with the MSA policy outlined in the City's Comprehensive Metropolitan Plan.

Kevin Feleay, applicant spoke in support of the plat and stated it is the final step in moving forward with the construction of a new church.

Councilmember Alcalá moved to approve the final plat. The motion seconded by Councilmember Harmon carried unanimously. Mayor Buntin voted "yes." (10-0-0)

Councilmember Alcalá asked staff to research the initial recommendation made by staff regarding approval of development outside the Municipal Service Area in 2006 and if the Council overrode the recommendation. He requested the information be provided to the Council.

NO Retail Cereal Malt Beverage License applications were presented.

RESOLUTION NO. 8441 introduced by Councilmember Chad Manspeaker granting Sue Rodriguez an exception to the provisions of City of Topeka Code Section 9.45.150 et seq., concerning noise prohibitions was presented.

Councilmember Manspeaker gave the staff report.

Councilmember Manspeaker moved to approve the resolution. The motion seconded by Councilmember Gray carried unanimously. (9-0-0)

A CHARTER ORDINANCE introduced by Deputy Mayor Larry Wolgast increasing the transient guest tax from six percent to seven percent through December 31, 2015, and seven percent to six percent from January 1, 2016 through December 31, 2032, and amending Section A15-17 and repealing the original section was presented for first reading.

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

Pamela S. Simecka, Interim City Manager announced the public hearing and adoption of the 2013 City of Topeka Budget is scheduled on August 14, 2012.

Councilmember Everhart reported she has received many telephone calls from constituents concerned with the increase in crime. She stated she hopes the Police Department's budget issues are resolved soon so they can concentrate on public safety.

Councilmember Wolgast announced there would be a work session immediately following the Council meeting to discuss the Police Department's 2012 budget issues.

Councilmember Manspeaker expressed concern with Forbes Field Airport changing its name to the Topeka Regional Airport. He provided background information on the history of the airfield and the military personnel that have served at the airfield. He expressed the importance of paying our respects to military personnel and preserving area history.

Councilmember Gray asked staff to research if the City could implement a moratorium for parking tickets until the vehicle registration issues have been resolved.

Councilmember Harmon asked that the information requested by Councilmember Alcalá relating to the approval of development outside the Municipal Service Area in 2006 be forwarded to all Councilmembers.

Councilmember Manspeaker stated he agrees with Councilmember Gray; however, a parking moratorium would be difficult for the City to manage.

Pamela S. Simecka stated she would include the information requested by Councilmember Alcalá in the Council's weekly report.

Dave Starkey, City Attorney stated he would research Councilmember Gray's request and report back to the Council.

Mayor Bunten stated he agrees it is important to preserve area history. He reported the airbase now known as the Topeka Regional Airport was built in 1942 and many important missions have been conducted all over the world from the airbase.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:40 p.m.

Brenda Younger
City Clerk