

Council Minutes – November 20, 2012

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 20, 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, Rabbi Debbie Stiel, Temple Beth Shalom 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 David Boyer to the Metropolitan Topeka Airport Authority for a term ending November 30, 2015, was presented.

BOARD APPOINTMENT recommending the re-appointment of Sam Carkhuff to the Metropolitan Topeka Airport Authority for a term ending November 30, 2015, was presented.

BOARD APPOINTMENT recommending the re-appointment of Dennis Haugh to the Topeka Planning Commission for a term ending November 30, 2015, was presented.

MINUTES of the regular meeting of November 13, 2012, was presented.

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

ORDINANCE NO. 19779 introduced by Deputy Mayor Larry Wolgast, concerning the reestablishment of the City Council district boundaries, pursuant to the provisions of Section A2-23(c) of the Code of the City of Topeka, amending City of Topeka Ordinance No. 17920 and specifically repealing said original ordinance placed on first reading November 13, 2012, was again presented.

Councilmember Wolgast gave a brief overview of the Redistricting Commission's recommendation of Plan B. He acknowledged the concerns expressed by Oakland Neighborhood Improvement Association (NIA) members on November 13, 2012, regarding the plan and thanked them for coming forward.

TJ Brown, Oakland NIA President, expressed concern with the potential impact of the boundary district changes as presented in Plan B. He stated the NIA is not opposed to changes; however, he asked the Governing Body to approve alternative Plan C, to allow the Oakland Neighborhood to remain in Council District No. 2. He thanked Councilmember Hiller and the Redistricting Commission for their hard work in establishing new district boundaries.

Councilmember Manspeaker commended members of the Oakland NIA for strengthening their neighborhood which he believes is a testament of what can be accomplished when neighborhood residents work together.

Eleanor Cowell, Oakland resident, expressed concern with the proposed changes to the Oakland neighborhood and requested the Governing Body adopt alternate Plan C. She stated she hopes the Council understands the community's desire to remain whole.

John Campos, Council District No. 2 Redistricting Commissioner, stated he is grateful to the residents of the Oakland neighborhood who have joined together to express their concerns and request a change in the redistricting map. He reported his new recommendation to the Governing Body would be to adopt alternate Plan C instead of Plan B because it keeps the Oakland area cohesive.

William Gomez thanked the Council for allowing public input on this critical issue for the Oakland neighborhood. He also thanked Councilmember Alcalá and Redistricting

Commissioner Erin Stiers for their hard work in drafting the maps. He read a statement from Ms. Stiers asking the Council to consider alternate Plan C approved by the Oakland community.

Councilmember Harmon expressed concern with the Cedar Ridge neighborhood being split up, as well as, the Western Hills area north of SW 6th Street and SW Fairlawn Road. He stated there is a need to maintain cohesive areas of interest throughout the city and noted he would only consider approval of Plan A or Plan B.

Councilmember Ortiz asked for a brief update on alternate Plan C.

Judy Olander, Assistant City Attorney, reported the biggest changes are moving Ward 10, Precinct 2 from Council District No. 9 to Council District No. 2 to help balance populations. She noted there is much more to consider than the cohesiveness of a neighborhood improvement association because community interest is much broader than community organizations. She cited the definition of community cohesiveness as outlined in Federal law and stated they must adhere to the following mandates as outlined in Topeka Municipal Code Section A2-23(d):

- (1) To remain within 13,810 to 14,518 population spread, or 2.5% over or under required population number;
- (2) Maintain a reasonably compact area in each district and avoid when possible any noncontiguous zones or any unusually exaggerated extension of district lines;
- (3) Follow election precinct lines as established by the Shawnee County Election Commissioner and be described in terms of the wards and precincts contained in each district;
- (4) Avoid use of number of registered voters by party or other partisan data;
- (5) Maintain, as much as possible, the integrity of broadly cohesive areas of interest;
- (6) Avoid boundary lines that result in a Councilmember residing outside his or her elected district during the Councilmember's current term of office.

Councilmember Ortiz spoke in opposition to alternate Plan C because the proposal would eliminate two major areas from Council District No. 3.

Councilmember Everhart stated she concurs with Councilmember Ortiz and understands it is challenging to keep neighborhoods together; however, it is difficult for communities all over

the city. She noted the Highland Park neighborhood area would be split into four different district areas according to the proposal.

Councilmember Wolgast moved to adopt the ordinance. The motion was seconded by Councilmember Alcalá.

Councilmember Alcalá made a substitute motion to amend the ordinance to reflect Plan C, the alternate proposal presented by the Oakland Neighborhood Improvement Association. The motion was seconded by Councilmember Manspeaker.

Councilmember Alcalá reported the Governing Body received alternate Plan C on November 16, 2012, for review and commended Erin Stiers and Councilmember Hiller on their hard work to make the population numbers match. He noted there is no political intent; however, any changes would have a domino effect on neighborhoods.

Councilmember Hiller commended City staff and Redistricting Commission members for their hard work in drafting the redistricting maps. She stated Council District No. 2 had many precincts that were too large and presented a challenge to the Commission; therefore, Plan B cut out a substantial part of the Oakland neighborhood. She noted the Oakland neighborhood is very strong and working together towards major improvement projects including developing the riverfront.

The substitute motion to amend the ordinance to reflect Plan C, the alternate proposal presented by the Oakland Neighborhood Improvement Association failed. Councilmembers Everhart, Wolgast, Archer, Gray and Harmon voted “no.” (4-5-0)

Councilmember Harmon stated he believes the problem stems from the building blocks of the process as there is no consistency and precincts need to be reestablished. He suggested reviewing the process in the future so precincts do not have such a large variance in populations.

Judy Olander stated there are statutory requirements that must be followed when making changes to precincts and it is too late in the process to do so.

Councilmember Hiller suggested researching the effects of changing the population percentage variance from 2.5% to 5% at the same time they consider changing the precincts allowing neighborhoods to flow better and become more cohesive.

Councilmember Wolgast stated he understands the strong cohesiveness of the Oakland neighborhood; however, there are other areas throughout the city experiencing the same issues.

Councilmember Alcala commended the Oakland NIA for their strong neighborhood bond. He noted he believes there is a state statute that would not allow the Governing Body to change population percentage variances beyond a certain amount.

Councilmember Alcala made a substitute motion to adopt Plan A. The motion seconded by Councilmember Ortiz failed. Councilmembers Everhart, Wolgast, Archer, Gray and Harmon voted “no.” (4-5-0)

The motion to adopt the ordinance (Plan B) carried. Councilmembers Ortiz and Manspeaker voted “no.” (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Everhart, Wolgast, Archer, Gray and Harmon -7. Noes: Ortiz and Manspeaker -2.

APPROVAL of funding recommendations in the amount of \$500,000 for annual program and one-time grant awards in 2013 from the Special Alcohol Program Fund was presented.

Councilmember Manspeaker moved to approve the funding recommendations. The motion seconded by Councilmember Archer carried unanimously. Mayor Buntzen voted “yes.” (10-0-0)

APPROVAL of a one-year labor agreement between the City of Topeka and Water Pollution Control Division Local Union was presented. (Contract No. 42510)

Jacque Russell, Human Resources Director, reported the Water Pollution Control (WPC) labor agreement is a one-year labor agreement for fiscal year 2013. She stated there are a few minor changes from the current contract including sick leave and compensatory time from being considered hours worked for overtime purposes; incorporate language of the Joint Memorandum of Agreement on healthcare cost sharing; and reconfigure the pay matrix from the current 1.5% between each Performance Appraisal Adjustment (PAA) to varying percentages between PAA steps. She stated the overall increase of the proposed contract is \$69,908 paid from WPC Utility funds and would not affect the general fund.

Councilmember Ortiz moved to approve the labor agreement. The motion seconded by Councilmember Wolgast carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

APPROVAL of an amendment to Contract No. 42197 which is the current three-year labor contract for AFT Kansas Local 6406 effective January 1, 2012, through December 31, 2014, was presented. (Contract No. 42511)

Jacque Russell, Human Resources Director, reported the contract amendment would revise the wage schedule; add one personal leave day; and incorporate language of the Joint Memorandum of Agreement on healthcare cost sharing. She stated the overall impact is 1% for wage increases in 2013 which totals \$48,793.79 from the General Fund and \$33,876.35 from other funds.

Pam Simecka, Budget and Finance Director, reported a 1% wage increase was authorized in the 2013 Operating Budget, and since the 2% increase begins in July 2013, the increase would be within the operating expenditures as budgeted for 2013.

Councilmember Hiller moved to approve the labor contract amendment. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

ORDINANCE NO. 19780 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of October 6, 2012, through November 2, 2012, and enumerating said expenditures therein was presented for first and final reading.

Pam Simecka, Budget and Finance Director, stated approval would authorize expenditures in the amount of \$12,605,037.19.

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

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

Retail Cereal Malt Beverage License applications were presented for Lupita’s located at 732 S. Kansas Avenue, and Villa West Express located at 2855 SW Wanamaker Road.

Councilmember Everhart moved to approve the retail cereal malt beverage license applications as presented. The motion seconded by Councilmember Gray carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

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

Jim Colson, City Manager, stated he met with Westar Energy company representatives to discuss the Reliabilitree Program, a vegetation management program for the City. He stated it was their intent to implement a four to five year cycle regarding tree trimming to reduce powerline outages. He also distributed a new Citywide Monthly Report for October in an effort to remain objective and provide information to the Council, community and employees.

Councilmember Hiller thanked the Redistricting Commission for their hard work and the Oakland Neighborhood Improvement Association for expressing their concerns. She congratulated Councilmember Archer on his newly elected position as Shawnee County Commissioner.

Councilmember Ortiz expressed concern with Westar Energy leaving behind tree limbs in neighborhoods. She announced the 44th Annual Community Thanksgiving Dinner would be held at the Kansas Expo Centre Ag Hall on November 22, 2012. She encouraged the community to participate and reported they anticipate serving over 2,900 people.

Councilmember Everhart stated she was not able to attend the Joint Economic Development Organization Informational meeting on November 17, 2012, due to the birth of her grandchild.

Councilmember Wolgast commended the Council on their hard work and constructive discussions concerning the redistricting maps.

Councilmember Manspeaker reported Westar Energy representatives utilize door hangers to instruct citizens to call Westar and request that the tree limbs be picked up. He referenced Governor Brownback's Task Force on reducing childhood poverty and stated he disagrees with the Governor's comments made about Shawnee County. He stated he believes the Council needs to address the poverty issues to help the community be a better place to live.

Councilmember Gray referenced comments made by Heritage Foundation representatives and stated he believes traditional families are not always best and the Foundation should examine society more closely before making these types of statements. He stated he concurs with the Mayor and does not believe the South Kansas Avenue project should be deferred any longer than

necessary; however, he would like time to discuss the downtown plan with constituents to gather feedback.

Councilmember Harmon stated he would be participating in the Community Thanksgiving Dinner held on November 22, 2012, at the Kansas Expo Centre Ag Hall and encouraged the community to participate in this special time of giving. He announced the Miracle on Kansas Avenue Christmas Parade would be held downtown on November 24, 2012.

Mayor Buntin stated he would be participating in the Community Thanksgiving Dinner on November 22, 2012, and the Miracle on Kansas Avenue Christmas Parade and Tree Lighting Ceremony on November 24, 2012.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:15 p.m.

Brenda Younger
City Clerk