Council Minutes – November 27, 2007

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 27, 2007. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Ortiz, Woelfel, Haynes, Swank, Preisner and Harmon -7. Mayor Bunten presided -1. Absent: Councilmembers Alcala and Blackburn -2.

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

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

Brenden Long, City Attorney stated that item 4C, a communication recommending the re-appointment of Ned Nusbaum to the Topeka Public Building Commission should be removed from the agenda because the position is regulated by State Statute and the chairman serves at the pleasure of the Mayor.

Upon hearing no objections, Mayor Bunten stated that item 4C would be withdrawn from the consent agenda.

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION recommending the appointment of Anna Lambertson to the Human Relations Commission for a term that would expire on November 30, 2009 was presented.

A COMMUNICATION recommending the appointment of Susan Zuber-Chall to the Human Relations Commission for a term that would expire on November 30, 2009 was presented.
A COMMUNICATION recommending the re-appointment of Carol Foreman to the Topeka Public Building Commission for a term that would expire on November 30, 2011 was presented.

A COMMUNICATION recommending the re-appointment of Jack Crocker to the Topeka Public Building Commission for a term that would expire on November 30, 2011 was presented.

A COMMUNICATION recommending the re-appointment of Jan Pratt to the Topeka Public Building Commission for a term that would expire on November 30, 2011 was presented.

A COMMUNICATION recommending the re-appointment of William Sheahan to the Topeka Public Building Commission for a term that would expire on November 30, 2011 was presented.

A COMMUNICATION recommending the appointment of Nancy Kirk to the Topeka Public Building Commission for a term that would expire on November 30, 2011 was presented.

Minutes of the regular meeting of November 20, 2007 were presented.

An Open After Midnight License application bearing the approval of the Chief of Police and City Inspectors for Henry T’s Bar & Grill located at 1521 S.W. 21st Street, was presented.

A Dance Hall License application bearing the approval of the Chief of Police and City Inspectors for Down Under Lounge located at 3810 S. Topeka Boulevard, Suite B, was presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for The Break Room located at 911 S. Kansas Avenue, was presented.

Councilmember Woelfel noted a correction to the minutes on page 428. He stated that the minutes should reflect, “Councilmember Alcala made a substitute motion to amend the 2008-
2012 Capital Improvement Program by allocating $425,000 for the installation of sidewalks along the east and west sides of SE California Avenue beginning at the KTA Bridge and extending through SE 38th Street; and install sidewalks along the south side of SE 37th Street from SE California Avenue to Long Street. The motion seconded by Councilmember Ortiz failed. Councilmembers Kennedy, Woelfel, Swank, Blackburn and Preisner voted “no.” (4-5-0)

Upon hearing no objections, Mayor Bunten stated that the minutes would be approved as corrected.

Councilmember Preisner moved to approve the consent agenda. The motion seconded by Councilmember Kennedy carried unanimously. (7-0-0)

A NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, November 27, 2007, at 6:00 P.M. for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Sanitary Sewer District No. 40771, authorized by Resolution No. 6671, adopted and approved September 24, 1996.

ORDINANCE NO. 18999 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 Sanitary Sewer District No. 40771 with piping, manholes, engineering and all other contingencies needed to complete Sanitary Sewer Improvement Project No. 40771, as defined and described in Resolution No. 6671, adopted and approved September 24, 1996 placed on first reading November 20, 2007 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.
Councilmember Ortiz moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Harmon carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Preisner and Harmon -7. Absent: Alcala and Blackburn -2.

ORDINANCE NO. 19000 introduced by City Manager Norton N. Bonaparte, Jr., repealing City of Topeka Code Section 126-66 through 126-71 concerning approval procedure for City financed developer projects placed on first reading November 20, 2007 was again presented.

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

Councilmember Harmon asked the City Attorney if approval of the ordinance would expose the City to future financial risk.

Brenden Long, City Attorney clarified that the current City ordinance mirrors State law relating to the establishment of benefit districts; as well as, TIF districts with the exception of one additional provision that requires developers to provide a financial guarantee for projects in the form of cash, check or other securities to the City of Topeka. He stated that he was not aware of any issues regarding the collection of funds for projects in the past; therefore, in his opinion the City runs almost no financial risk. He also noted that the Public Works Administration recommended that the provision be repealed.

Mayor Bunten expressed concern with the proposed change, and if it would cause the City to be at a disadvantage regarding future development.

Councilmember Haynes asked what protection the City has if a developer defaults.

Brenden Long stated that the cost would be assessed to the property.
Councilmember Preisner moved to adopt the ordinance. The motion seconded by
Councilmember Kennedy carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Preisner and Harmon -7. Absent: Alcala and Blackburn -2.

ORDINANCE NO. 19001 introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 142-381 and Section 142-452 concerning parking rates and specifically repealing said original sections placed on first reading November 20, 2007 was again presented.

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

Councilmember Haynes asked if the current parking meter and garage fees are sufficient to cover any outstanding bonds or maintenance costs.

Jim Langford, Budget and Finance Director stated that the revenue from the parking meters and garages have been sufficient enough to cover expenses for the last few years; however, no additional revenue has been generated and maintenance expenses are steadily increasing.

Councilmember Haynes asked if the proposed increase would create a surplus and cover the maintenance needed for the parking meters and garages. He also stated that he believes a study should be conducted prior to increasing parking rates.

Mike McGee, Deputy Public Works Director stated that over the past three years studies have been conducted on each of the City’s parking garage facilities with the exception of the Park-N-Shop Garage which was placed on the real estate market at the time the studies began. He reported that the following essential maintenance elements were identified in the studies:
• $1.7 million in parking improvement projects that need to be completed within the next five years, which does not include the funds needed for the Park-N-Shop Garage improvements;
• The parking meters were purchased almost ten years ago and the majority of the meters need to be replaced over the next couple of years costing between $175,000 to $200,000 and;
• Only two out of the five three-wheelers that are used for the City’s Parking Control Officers are operational, the other vehicles are either too expensive to repair, or outdated

Mayor Bunten asked if it would be feasible to lower the rates in the parking garages to attract more business versus raising the rates.

Mike McGee stated that all leased parking garage stalls are 100% occupied and the Park-N-Shop garage is 50% occupied. He noted that the projected increase in rates would bring $90,000 annually from the parking garages, and $56,000 annually from the on-street parking meters.

Councilmember Kennedy stated that she would not support the parking meter rate increase because she believes it may impact the merchants and the improvement of the downtown area.

Councilmember Haynes asked how it would impact the parking garage fees if all on-street parking meters were removed.

Mike McGee stated that parking garage fees would increase 50% and the rates to lease a parking garage stall would increase by $90 per month.

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

Councilmember Kennedy made a substitute motion to keep parking meter rates at the current rate. The motion was seconded by Councilmember Ortiz.
Councilmember Preisner stated that he would not support the substitute motion because he believes the increase is not significant enough to impact downtown merchants.

The substitute motion to keep parking meter rates at the current rate failed. Councilmembers Woelfel, Haynes, Swank, Preisner and Harmon voted “no.” (2-5-0)

The motion to adopt the ordinance carried. Councilmembers Kennedy and Ortiz voted “no.” (5-2-0)


Councilmember Preisner noted that the parking rate increase would not take effect until January 1, 2008.

A COMMUNICATION from City Manager Norton N. Bonaparte, Jr., requesting that a public hearing be set for December 11, 2007, at 6:00 pm at the City Council Chambers, 214 E. Eighth Street, to hear and answer objections of taxpayers to proposed amendments to the 2007 Budget, was presented.

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

Jim Langford, Budget and Finance Director noted that the proposed amendment would make technical corrections to reflect transfers from the General Improvement fund to the Capital Improvement Project fund. The amounts were transferred as follows:

- $50,000 for Zoo Sidewalk Repair;
- $50,000 for the 50/50 Sidewalk Repair Program;
- $200,000 for Rehabilitation and Repair of City Facilities;
- $4,389,518 from the Half-Cent Sales Tax fund to the Bond and Interest fund for payment of debt service on the Topeka Boulevard Bridge Revenue Bond and;
- $120,000 from the General fund to the Zoo fund to provide adequate revenue to offset expenditures from the Zoo fund.
Mayor Bunten asked for a list of projects included in the $200,000 Rehabilitation and Repair of City Facilities.

Jim Langford reported the actual and estimated individual project costs as follows:

- $135,682 for seal and tuck-point repairs at City Hall and Topeka Performing Arts Center;
- $8,300 for freight elevator repair at the Law Enforcement Center;
- $3,500 for City Hall sidewalk repairs;
- $9,000 for gas line replacement at the Law Enforcement Center;
- $7,300 for stage set-up and rigging at the Topeka Performing Arts Center and;
- $10,000 for water seal repair at the Law Enforcement Center.

Councilmember Preisner moved to approve the communication. The motion seconded by Councilmember Kennedy carried unanimously. (7-0-0)


Councilmember Preisner stated that the City Council meetings listed were cancelled in observance of established City Holidays, Primary Election Day and Election Day. He also stated that the resolution establishes meeting dates for the fifth Tuesdays in July and September of 2008.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Haynes carried unanimously. (7-0-0)

ORDINANCE NO. 19002 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of November 5, 2007, through November 11, 2007, and enumerating said expenditures therein was presented for first and final reading.
Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Woelfel carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Preisner and Harmon -7. Absent: Alcala and Blackburn -2.

ORDINANCE NO. 19003 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of November 12, 2007, through November 18, 2007, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Preisner moved to adopt the ordinance. The motions seconded by Councilmember Swank carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Preisner and Harmon -7. Absent: Alcala and Blackburn -2.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-861000.00 (862590), which provides for an additional public parking lot benefiting the College Hill Redevelopment District, 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., relating to the vacation of a portion of a sanitary sewer easement and a portion of a drainage easement in Wanamaker West Subdivision No. 3 located west of SW Wanamaker Road between SW 29th.
Street and SW 30th Terrace, City of Topeka, Shawnee County, Kansas was presented for first reading. *(V07E/15)*

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL, were presented.

Norton N. Bonaparte, Jr., City Manager announced upcoming community events.

Councilmember Kennedy commended volunteers for donating their time while serving on various boards and commissions.

Councilmember Swank stated that she is opposed to raising City parking meter rates; however, at this time she does not believe there are other alternatives. She also noted that Wolfe’s Camera Shop was featured in the Shop Topeka First Section of TK Magazine.

Councilmember Harmon asked why item 8A, an ordinance relating to the College Hill Redevelopment District was not part of the original TIF District. He requested that staff provide information as to why it was not included.

Clifford Cormier appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:04 p.m.

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Brenda Younger
City Clerk