

Council Minutes – June 25, 2013

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 25, 2013. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Councilmember De La Isla gave the invocation.

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

Councilmember Ortiz moved to add a resolution granting a noise exception to Maybe Mendez to the Council agenda. The motion seconded by Councilmember Schmidt carried unanimously. (9-0-0)

Mayor Wolgast announced the resolution would be placed on the consent agenda as item 4I.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Nicholas Jefferson to the Topeka Planning Commission for a term ending June 30, 2016, was presented.

BOARD APPOINTMENT recommending the appointment of Paul Hoferer to the Washburn University Board of Regents for a term ending June 30, 2017, was presented.

RESOLUTION NO. 8524 introduced by Councilmember John Campos II, granting Carolina Alvarado an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8525 introduced by Councilmember Sylvia Ortiz, granting Leonard Gonzales an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8526 introduced by Councilmember John Campos II, 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. 8527 introduced by Councilmember John Campos II, 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 18, 2013, were presented.

A Dance Hall License application for Scooterz Saloon located at 555 SW 39th Street was presented.

RESOLUTION NO. 8528 introduced by Councilmember Sylvia Ortiz, granting Maybe Mendez an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

Councilmember Campos II moved to approve the consent agenda as amended. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

ORDINANCE NO. 19826 introduced by Councilmember John Campos II, authorizing the sale, consumption and possession of alcoholic liquor as part of the 2013 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 18, 2013, was again presented.

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

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt, Harmon and Mayor Wolgast -10.

RESOLUTION NO. 8529 introduced by Councilmember John Campos II, granting a waiver to the provisions of City of Topeka Code Section 10.60.120 relating to parking on unimproved surfaces was presented.

Councilmember Campos II moved to approve the resolution. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

RESOLUTION NO. 8530 introduced by City Manager Jim Colson, setting forth the City of Topeka's intention to acquire two (2) Engine Company apparatuses, pursuant to K.S.A. 12-110c, was presented.

Jim Colson, City Manager, stated approval would authorize the use of general obligation bonds in an amount not to exceed \$975,000 to purchase two pumper trucks for the Fire Department.

Greg Bailey, Topeka Fire Chief, stated the two pumper trucks were approved by the Council and included in the 2013-2017 Capital Improvement Program under the Fire Department Comprehensive Vehicle Replacement Plan.

Councilmember Ortiz asked Chief Bailey to explain the purpose of a pumper truck.

Chief Bailey stated a pumper truck is a typical engine company that has the capacity to pump up to 500 gallons of water.

Councilmember Harmon asked what the estimated lifespan of a pumper truck is and how many years would the bonds be financed.

Chief Bailey reported the City of Topeka Fleet Department recommends a maximum lifespan of 10 to 12 years for a front line vehicle apparatus and the trucks would replace two 2001 pumper trucks.

Jim Colson reported the bonds would be financed for ten years and the total project budget is \$1,006,688.

Councilmember Campos II asked if the older pumper trucks would still be used.

Chief Bailey reported Fire Station No. 2 and Fire Station No. 9 currently house the two older trucks; however, the new pumper trucks would be placed in reserve status to maximize use of the trucks.

Councilmember Manspeaker asked how they would dispose of the older trucks.

Chief Bailey reported the older trucks would be placed on a six-month trial to gauge performance and determine if the trucks could be salvaged or if they should be sold online at Govdeals.com with the proceeds from the sale deposited into the general fund. He stated the Fire Department makes an effort to retain at least six reserve trucks at all times due to breakdowns or scheduled preventive maintenance on other trucks.

Councilmember Manspeaker asked for clarification on the debt service amount of \$19,500 and what it would be used for. He also asked at what age is a pumper truck scrapped.

Chief Bailey stated he would need to consult with the City of Topeka Fleet Department for their recommendation on the lifespan of the trucks and report back to the Council.

Pam Simecka, City Controller, reported the \$19,500 is the cost to issue the bonds and the total cost to finance the two pumper trucks is \$1,180,145.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Everhart carried. Councilmember Manspeaker voted “no.” (8-1-0)

ORDINANCE NO. 19827 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of April 27, 2013, through May 31, 2013, and enumerating said expenditures therein was presented for first and final reading.

Jim Colson, City Manager, stated approval would authorize City expenditures in the amount of \$15,122,189.74.

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

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -9.

EXEMPTING City buildings from July 1, 2013, until January 1, 2014, from the new state law that allows concealed carry permit holders to carry concealed firearms in City buildings that lack metal detectors and security guards as presented.

Chad Sublet, City Attorney, reported effective July 1, 2013, concealed carry permit holders will be able to carry concealed firearms in City-owned buildings that lack security guards and metal detectors unless the Governing Body notifies the Kansas Attorney General and local law enforcement agencies of the City's decision to exempt these buildings until January 1, 2014. He noted the City buildings that would be impacted include City Hall, Cyrus K. Holliday building, Topeka Zoo, Topeka Performing Arts Center and all fire stations. He stated the exemption would give staff time to explore the issue further to develop a plan as to what buildings would be exempt or install metal detectors.

Councilmember Ortiz asked who would be drafting the plan.

Chad Sublet stated the City of Topeka Legal Department, Police Department and City Council would develop an appropriate security plan in City buildings. He reported no other

cities have developed a security plan at this time and he would contact the Kansas Attorney General's office for additional information to help develop a City of Topeka building security plan.

Jim Colson, City Manager, stated staff would present a security plan that includes specific details within six months to the City Council.

Councilmember Manspeaker stated he believes realistically, the City cannot afford to implement any further security measures now, or in the future. He noted he understands the process of drafting a security plan; however, the City does not have additional funds for more security measures than the security guards they already have in place.

Councilmember Schwartz asked if the Council approves the exemption, would a concealed carry permit holder be breaking the law if he or she carries a firearm into a City building.

Chad Sublet stated if a person knowingly carries a firearm into a municipal building, it would be a violation.

Councilmember Schmidt asked how many City buildings would meet the requirements of 2013 House Bill 2052.

Chad Sublet stated the only City building that would meet the requirements is Municipal Court.

Mayor Wolgast listed the following City buildings that would be exempted until January 1, 2014: City Hall, Cyrus K. Holliday building, Fire Station Nos. 1-13, Topeka Fire Department Headquarters and Training Center, Gage Park-Topeka Zoo, Police Headquarters, Garage and Environmental Codes Division, Vehicle Impound, North Topeka Wastewater Treatment Plant, Oakland Wastewater Treatment Plant, Water Department and Facility, Street Department

Administration building, Maintenance and Park Field Office and Traffic Engineering Division Building and Storage facility.

Councilmember Ortiz moved to approve exempting City buildings until January 1, 2014, from the requirements of 2013 House Bill 2052. The motion seconded by Councilmember Everhart carried. Councilmember Manspeaker voted “no.” Mayor Wolgast voted “yes.” (9-1-0)

NO Retail Cereal Malt Beverage License applications were presented.

ORDINANCE NO. 19827 introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located on the south side of SW 37th Street approximately 400 feet west of SW Burlingame Road, from “R-1” Single-Family Dwelling District TO “C-2” Commercial District placed on first reading May 7, 2013, was again presented. (Z13/3)

Bill Fiander, Planning Department Director, stated the request to rezone a vacant 1.54 acre parcel to “C-2” Commercial District would allow neighborhood commercial uses of moderate intensity. He briefly described the property’s background and reported a protest petition has been filed; therefore, the Governing Body will need eight (8) votes with all members present to override the legal protest. He stated the Topeka Planning Commission re-affirmed its recommendation for “C-2” by a vote of 5-0-4 specifically citing the similar zoning that adjacent properties have on either side.

Councilmember Campos II asked if the applicant has applied for any building permits for the property.

Bill Fiander stated there were no building permits submitted for the property.

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

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt, Harmon and Wolgast -10.

AN ORDINANCE introduced by City Manager Jim Colson, concerning the adoption of the 2012 Uniform Plumbing Code and amendments to the code by amending City of Topeka Code Sections 14.35.010, 14.35.050 through 14.35.250, 14.35.280 through 14.35.360, 14.35.380 through 14.35.460 and 14.35.480 and specifically repealing said original sections; repealing in their entireties Sections 14.35.260, 14.35.270, 14.35.370 and 14.35.470; and creating Sections 14.35.065, 14.35.075, 14.35.143 and 14.35.147 was presented for first reading.

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

Jim Colson, City Manager, reported the City of Topeka 2014 Operating Budget has been distributed to the Governing Body with the intent to provide a solid basis of financial information outlining the City’s challenges and drafting a viable fiscal pathway through the end of the year. He reported in his opinion there are three alternatives to address budget challenges, (1) increase the mill levy or other revenues, (2) cut City expenditures and services, or (3) a hybrid approach of the first two options with the recommendation of protecting public safety and other activities and making cuts throughout other departments. He announced the first in a series of Budget Committee meetings would be held on July 1, 2013, from 5:00 p.m. to 8:00 p.m. at the Law Enforcement Center, Classroom A, located at 320 S. Kansas Avenue. He invited the public to attend the Budget Committee meeting and stated a budget overview would be presented, as well as, City department budget presentations.

Mayor Wolgast commended City staff for providing a clear fiscal picture of the City's 2014 Operating Budget and providing the Council the necessary information to move forward with the 2014 Operating Budget. He requested a work session be scheduled in July as a follow up to the issues presented at the Council Retreat on May 4, 2013, to discuss City functions and operations.

Councilmember Manspeaker announced the Tap That Topeka – A Capital Brew Festival, would be held on June 29, 2013, in downtown Topeka located at SW 6th and Jackson Streets. He encouraged the public to attend the event and noted it would be the first of its kind hosted in the downtown area. He invited the community to attend the College Hill 4th of July Parade on July 4, 2013, from 9:30 a.m. to 11:00 a.m. on SW Boswell and 13th Streets. He commented on the lack of mill levy increases over the years and how it has affected the City's budget and encouraged the Governing Body to choose a financial path during the budget process that is realistic for the community.

Councilmember Schwartz reported she recently traveled to Quebec where there is a very low crime rate. She stated she believes the low crime rate is directly linked to having no unemployment issues and stated she would like to work on creating more jobs within the community to help reduce crime.

Councilmember Hiller reminded citizens the 2nd Neighborhood Summit would be held on June 29, 2013, from 10:00 a.m. to 12:00 p.m. noon at the Holliday Building located at 620 SE Madison. She reported she would not be able to attend; however, she encouraged the community to participate and express their concerns and solutions, work on strategy for the City's Code Compliance Division, and work together as the City's Governing Body and community to support neighborhoods and each other.

Councilmember Campos II announced Fiesta Mexicana Royalty Food Sales would continue through June 30, 2013. He reminded citizens the Fiesta Mexicana Parade would be held July 6, 2013, and the 2013 Fiesta Mexicana would be held July 9-13, 2013. He invited the community to attend and participate in the many activities offered at the Fiesta Mexicana events.

Councilmember Ortiz stated she would try to attend the Neighborhood Summit on June 29, 2013, and requested that time be set aside to listen to community concerns. She commended the City's Code Compliance Division for doing well with the limited resources they are given; however, she hopes code violation issues will soon be addressed.

Steve Stutzman appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:47 p.m.

Brenda Younger
City Clerk