



MINUTES
CITY COUNCIL MEETING
COUNCIL CHAMBERS - HUTCHINSON, KANSAS
February 16, 2021
9:00 a.m.

1. The Governing Body of the City of Hutchinson, Kansas met in regular session at 9:00 a.m. on Tuesday, February 16, 2021 in the City Council Chambers with Mayor Garza presiding. Councilmembers Piros de Carvalho, Daveline, Soldner and Bagwell were present in person.

2. The Pledge of Allegiance to the flag was recited.

3. The prayer was given by Paul Brown, City Attorney.

4. Petitions, Remonstrances and Communications

a. Oral communications from the audience. (Please limit your remarks to five (5) minutes and to items NOT on the agenda.)

There were no oral communications by the audience.

5. Consent Agenda

a. Approval of Minutes of February 2, 2021 City Council meeting.

b. Approval of Lease Agreement with Extreme Crossfire Paintball, LLC.

c. Approval of appointments to the Building Trades Board of the following:

Paul Phillips, 1711 East 33rd Avenue, Hutchinson, KS, Citizen-at-Large position, for a three-year term beginning 1/01/2021 through 1/01/2024.

Brett Leiker, 3605 N. Halstead, Hutchinson, KS, General Contractor position, for a three-year term beginning 1/01/2021 to 1/01/2024.

Josh Barkley, 10 Warren Drive, South Hutchinson, KS, Plumbing Contractor position, for a three-year term beginning 1/01/2021 to 1/01/2024.

Laura Meyer Dick, 4002 Jupiter Hills Drive, Hutchinson, KS, Citizen-at-Large position, for reappointment to a three-year term beginning 1/01/2020 to 1/01/2023.

Jeff Thompson, Buhler, KS, Residential Contractor position, for reappointment to a three-year term beginning 1/01/2020 to 1/01/2023.

Dusty Moore, 3908 N. Monroe, Hutchinson, KS, Electrical Contractor position, for reappointment to a three-year term beginning 1/01/2020 to 1/01/2023.

- d. Approval of appropriation ordinance in the amount of \$1,754,147.96

Motion by Councilmember Soldner, second by Councilmember Daveline, to approve the Consent Agenda; and authorize the Mayor to sign. The motion passed unanimously.

6. New Business

- a. Consider Request to Exchange Federal Funds for 2021. Jeff Peterson, Director of Engineering, spoke.

Motion by Councilmember Daveline, second by Councilmember Bagwell, to approve the Request to Exchange Federal Funds under the Federal-Aid Fund Exchange Master Agreement; and authorize the Mayor to sign. The motion passed unanimously.

- b. Consider Report of Bids for 8" Raw Waterline Installation. Jeff Peterson, Director of Engineering, spoke. He said there were five bids for the project, with the low bid coming from APAC-Kansas. Mr. Peterson said the project should be completed in July, 2021. Discussion ensued.

Motion by Councilmember Piros de Carvalho, second by Councilmember Soldner, to approve the bids; and authorize the Mayor to sign a contract with APAC-Kansas, Inc. in the amount of \$131,249.00, subject to compliance with all legal requirements. The motion passed unanimously.

- c. Consider Report of Bids for 2021 Arterial Street Maintenance Project. Jeff Peterson, Director of Engineering, said three bids were received, with the low bid coming from Pearson Construction. He said the project is scheduled to be completed by September 3, 2021. The Mayor said he has received several calls regarding the local preference policy; and asked about awarding the bid to APAC. Paul Brown, City Attorney said the policy doesn't apply to street improvement projects; and it is important to maintain integrity of the bidding process. Mr. Brown said he is not criticizing Hutchinson businesses, but there are not many in Hutchinson that can handle this type of project. He said at some point you would only have one bidder left; and the competitive bid process benefits the citizens of the City.

Councilmember Daveline said he is still not sure why we exclude street construction projects. Mr. Brown said he wasn't here when the policy was passed, but believes it is for the integrity of the bidding process. Additional discussion ensued regarding the local preference policy. Mayor Garza said this is something we need to revisit.

Brian Clennan, Director of Public Works, said his concern in allowing the 5% option on street projects is that it destroys competitiveness. He said there are not that many contractors that bid on projects like this; and having another company submit a bid drives the competition. Mr. Clennan said if we decide to show a preference to a local contractor

on a more than \$1 million project, some of the Wichita contractors won't put in the time and effort to review plans, work with subcontractors, etc. He said it would impact the competitiveness of bidding process.

Mr. Peterson said he concurs with Mr. Clennan. Paul Brown, City Attorney, asked if there is any language in the bid documents regarding the local preference policy. Mr. Peterson said there is no language in the bid documents. Mr. Brown said that is a problem, if you go through the process, but you don't follow policy, procedures, and law, it creates a liability for the City; and we could pay a cost. Mr. Brown said now is not the time to abandon the policy, but that we can look at it in the future. Additional discussion ensued.

Motion by Councilmember Soldner, second by Councilmember Bagwell, to approve the bids; and authorize the Mayor to sign a contract with Pearson Construction in the amount of \$1,139,088.90, subject to compliance with all legal requirements. The motion passed unanimously.

d. Consider Consultant Agreement with BG Consultants for 48-inch Sewer Replacement and Manhole Rehabilitation. Jeff Peterson, Director of Engineering, spoke. He said holes were found in the pipe and liner when routine TV surveillance was done. Mr. Peterson said about half of the water that goes to the WWTP goes through these lines, so they need to be in good repair.

Motion by Councilmember Bagwell, second by Councilmember Piros de Carvalho, to approve the consultant agreement with BG Consultants, Inc. for an hourly not to exceed contract cost of \$70,800.00; and authorize the Mayor to sign. The motion passed unanimously.

e. Consider Memorandums of Understanding with bargaining units for 2021. Paul Brown, City Attorney, said we are normally done by this time of year, but because of the pandemic we didn't know where we would be with revenues, so it delayed the compensation portion of the agreements. He said the City has been fortunate that our revenues have been maintained; and that we have not had problems that other municipalities have faced. Mr. Brown said all of the agreements have been reviewed and approved by union representatives.

Motion by Councilmember Daveline, second by Councilmember Soldner, to approve the Memorandum of Understanding with SEIU Local 513 for 2021; and authorize the Mayor to sign. The motion passed unanimously.

Motion by Councilmember Soldner, second by Councilmember Piros de Carvalho, to approve the Memorandum of Understanding with SEIU Local 513 HRCEC for 2021; and authorize the Mayor to sign. The motion passed unanimously.

Motion by Councilmember Piros de Carvalho, second by Councilmember Bagwell, to approve the Memorandum of Understanding with IAFF Local 179 for 2021; and authorize the Mayor to sign. The motion passed unanimously.

Motion by Councilmember Piros de Carvalho, second by Councilmember Bagwell, to approve the Memorandum of Understanding with FOP, Lodge No. 7 for 2021; and authorize the Mayor to sign.

7. Report of City Officials

a. Council

- Councilmember Soldner thanked all the employees that are working outside in this weather.
- Councilmember Daveline echoed Councilmember Soldner's comments.
- Councilmember Piros de Carvalho said she has one item that came up yesterday. She said she was told by the Sheriff's Office that the City has voided the shooting range contract. Councilmember Piros de Carvalho asked what was behind that decision saying it has caused a lot of upset feelings, etc.

Jeff Cantrell, City Manager, said there has been a longstanding agreement between the City and the County; and there was a need for increased communication regarding funding and improvements to the range. He said there were times when improvements would exceed the budget; and the City ended up paying the costs. Mr. Cantrell said there is plenty of room for everyone at the range, but the Police Department wanted to introduce some elements to that facility that are more tactical for City officers. He said the City would like to have control of the facility for that purpose, but it would not be to exclude the Sheriff's Department; and the City has met with them to discuss this matter. Mr. Cantrell said what the City is offering would not impact the scheduling to the county; and would not impose additional fees as the City would take over the maintenance of the facility. He said the meeting was somewhat contentious, so he asked what the hostility was really about. Mr. Cantrell said there are a lot of other issues; and is asking for quarterly meetings between the agencies to address these issues that go back 20 plus years. Mr. Cantrell further stated that he wants to make sure what we propose allows them to use the asset at no additional cost; and will have improvements that they will be able to use.

Jeff Hooper, Chief of Police, said this has been a joint arrangement for 36-37 years; and he anticipates that continuing. He said the difference is that the facility is lacking; and police officers can't do the necessary training. Chief Hooper said from the City's perspective we want to be able to develop and expand the property; and we would still allow the county to use the facility as well as being able to utilize the improvements. He said it's a win for everyone; and helps the Police Department advance their training while also allowing the county to benefit.

Councilmember Piros de Carvalho said the explanation helps, but said she is concerned that the City has signaled a lack of interest in partnering with the county. She said it seems to be a big deal to that department; and said maybe we needed to tread a little more lightly. Councilmember Piros de Carvalho also said it is her understanding that the Emergency Response Team (ERT) has been split apart; and asked if that is a result of this issue. Chief Hooper said that was not his preference, but that he was notified by the Sheriff that this was happening. He said that is the Sheriff's decision; and he doesn't have any control over that decision. Councilmember Piros de Carvalho said we have to fix this, as we are all on the same team. Chief Hooper said he couldn't agree more. He said he spoke with the Sheriff this morning; and regardless of the Sheriff's decision, the City will continue to support them. Chief Hooper said he is sorry the Sheriff made that move and told him so. He said the decision is not in the best interest of our citizens, but we will do what we can to extend the olive branch. Additional discussion ensued.

- Councilmember Bagwell thanked the employees that are out in the cold unfreezing water meters, etc. She said she spoke to one employee that went to bed at 3:00 a.m., but was back up at 6:00 a.m.
- Mayor Garza said he has received some of the same calls from the Police Department and Sheriff's Department; and said Councilmember Piros de Carvalho covered it well. He also thanked City employees for their work.

Mayor Garza said he would be meeting with Shara Gonzales of New Beginnings today at 11:00 a.m. to discuss the homeless, etc.

The Mayor also asked the City Manager about the Atrium; and whether it could be put out for vote. Mr. Cantrell said the governing body can always pass a resolution for the matter to go on a ballot. Discussion ensued regarding the process, etc. Councilmember Bagwell said she would be in favor of putting this on a ballot; and stated she is not sold on the whole thing. She asked why we have to jump on this right now, saying we need to wait to get a better deal. Additional discussion ensued.

Councilmember Piros de Carvalho said she is not in favor of a special election as there is usually a very low turnout. She said we don't have the luxury to wait; and that we need to do something bold and not let another property deteriorate. Additional discussion ensued regarding the consequences if a referendum was defeated, future options, developers interested in investing in a new hotel, etc. Mayor Garza said there will need to be further discussions.

b. City Manager

The City Manager said frozen meters are an issue right now along with water main breaks. He also said warming shelters are also open; and were fully utilized last night. Mr. Cantrell said there is always room for more; and encouraged people to check on their neighbors, etc.

The Council was also reminded about the Strategic Planning Session scheduled for Saturday, February 20, 2021 beginning at 8:00 a.m. Mr. Cantrell said he hopes to be done by 3:00 p.m.

8. Adjournment

Motion by Councilmember Piros de Carvalho, second by Councilmember Soldner, to adjourn. The motion passed unanimously.

Upcoming Meetings

February 20, 2021	8:00 a.m.	Strategic Planning Session
March 2, 2021	9:00 a.m.	City Council meeting
March 16, 2021	9:00 a.m.	City Council meeting