

Council Minutes – July 7, 2009

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 7, 2009. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -8. Absent: Councilmember Alcalá and Mayor Bunten -2.

Deputy Mayor Harmon announced that Mayor Bunten was absent due to illness; and Councilmember Alcalá was absent due to a conflict at work.

Deputy Mayor Harmon served as the presiding officer for the Council meeting.

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

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

Councilmember Ortiz moved to suspend the Council Rules to add a resolution granting Shekinah Glory Ministries, Inc., a noise exception to the Council agenda. The motion seconded by Councilmember Wolgast carried unanimously. (8-0-0)

Councilmember Hiller moved to add a resolution granting Shekinah Glory Ministries, Inc., a noise exception to the Council agenda. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

Upon hearing no objections, Deputy Mayor Harmon announced that the resolution would be placed on the Council agenda under the consent agenda as item 4C.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of June 23, 2009 was presented.

OPEN AFTER MIDNIGHT License applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Chuckster's Bar & Grill	1620 SW 6 th Street
CG's Lounge	501 NW Lyman

BUSINESS NAME

La Fiesta
Las Fuentes Mexican Restaurant

ADDRESS

1017 NE Seward Avenue
4111 SW Gage Center Drive

RESOLUTION NO. 8177 introduced by Councilmember Sylvia Ortiz granting Shekinah Glory Ministries, Inc., an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

Councilmember Preisner moved to approve the consent agenda as amended. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

Norton N. Bonaparte, Jr., City Manager requested to withdraw item 5A, a public hearing for Southwest Publishing and Mailing Corporation; and item 9D, an ordinance relating to the issuance of Internal Revenue Bonds for the Southwest Publishing and Mailing Corporation from the Council agenda. He reported that the Corporation has decided not to proceed with the financing at this time.

Upon hearing no objections, Deputy Mayor Harmon withdrew the public hearing and ordinance from the Council agenda.

ORDINANCE NO. 19275 introduced by City Manager Norton N. Bonaparte, Jr., adopting a twelve-month extension of the franchise for Southwestern Bell Telephone Company d/b/a AT&T Kansas placed on first reading June 23, 2009 was again presented. (*Contract No. 39620*)

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

Joseph Ledbetter questioned if the public was allowed to bid on the service. He noted that there are a number of area companies that would like the opportunity to be a service provider.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -8. Absent: Alcalá and Mayor Bunten -2.

RESOLUTION NO. 8178 introduced by City Manager Norton N. Bonaparte, Jr., concerning the development of a bikeway master plan and authorizing the allocation of \$15,000 from the City's general fund for the development project was presented.

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

Councilmember Swank moved to approve the resolution. The motion was seconded by Councilmember Preisner.

Joseph Ledbetter spoke in opposition to the resolution. He stated that the City has a history of not following suggestions made by consultants.

Deputy Mayor Harmon stated that he supports a bikeway master plan; however, because projected sales tax revenues are down he questions if the expenditure is necessary at this time.

Councilmember Ortiz asked if a bikeway master plan was discussed during the Heartland Visioning process and if a funding source was identified.

Norton N. Bonaparte, Jr., stated that the bikeway master plan was drafted by the Topeka Metropolitan Planning Organization. He noted that the plan was an important piece of the Complete Streets Concept.

Councilmember Hiller stated that the concept of bicycle paths was incorporated in the Heartland Visioning process; however, a funding source was not identified.

Councilmember Archer questioned if the City would have the necessary funding in the future to implement the bikeway master plan. He also asked if the City could provide consulting services internally for the project.

David Thurbon, Planning Director stated that he anticipates that the completed plan would identify a funding source. He also stated that in his opinion, implementation of the plan would take minimal funding because bike lanes could be incorporated as street improvements are being done. He reported that it would be difficult for the Planning Department to provide consulting

services because they do not have enough full-time employees to assign to the project, or the expertise.

Councilmember Swank stated that \$15,000 is a small investment for the City to make if it attracts tourists and contributes to quality of life.

Councilmember Harmon asked if there were any area firms that were qualified to provide consulting services for this type of project.

Councilmember Hiller asked when the plan would be completed.

David Thurbon stated that it would take approximately six to eight months to complete the study once a firm has been hired. He also stated that there are firms in the area that could provide consulting services.

Councilmember Hiller stated that it is a good time to incorporate the plan with the 10-Year Street Maintenance Program.

Councilmember Archer stated that it was his understanding that sales tax revenue could not be used for this type of project.

Jackie Williams, City Attorney stated that sales tax revenue could only be used for repairs or maintenance of existing streets, curbs and gutters.

Councilmember Hiller questioned why the stripping of a street is considered part of a street improvement and the painting of a bike path is not.

Councilmember Woelfel expressed concern with the assumption that sales tax revenue could be used for this type of project. He also stated that he believes it is an inappropriate expenditure at this time.

The motion to approve the resolution carried. Councilmembers Woelfel, Archer and Harmon voted “no.” (5-3-0)

ORDINANCE NO. 19276 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of June 8, 2009, through June 14, 2009, and enumerating said expenditures therein was presented for first and final reading.

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

Joseph Ledbetter expressed concern with certain expenditures slated for approval and how the expenditure report is presented to the public and new councilmembers.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Wolgast carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -8. Absent: Alcala -1.

ORDINANCE NO. 19277 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of June 15, 2009, through June 21, 2009, and enumerating said expenditures therein was presented for first and final reading.

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

Joseph Ledbetter expressed concern with the amount of expenditures that are being approved each week by the Council. He questioned if the City receives the best price available through the competitive bid process.

Councilmember Archer asked Mr. Ledbetter for suggestions on how to improve the process.

Mr. Ledbetter stated that he does not have any suggestions at this time. He encouraged the Council to remain informed and make sure proper procedures are being followed.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -8. Absent: Alcalá -1.

ORDINANCE NO. 19278 introduced by City Manager Norton N. Bonaparte, Jr., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning by amending the Master PUD Plan of Villa West Shopping Center to include the “I-1” Light Industrial District use group specifically for development of a mini-storage facility on property located at 6020 SW 29th Street in the City of Topeka, Kansas placed on first reading June 23, 2009 was again presented.

(Z79/10E)

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

Deputy Mayor Harmon asked if there were any exparte communications besides Councilmember Preisner. There were none declared.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -8. Absent: Alcalá and Mayor Bunten -2.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 30273-00 which provides for the design and construction of two new exhibits, as more specifically described herein, pursuant to Section A12-1 of the Code of the City of Topeka, rescinding City of Topeka Resolution No. 8114 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., pertaining to an amendment to the text and map of the Topeka Comprehensive Metropolitan Plan was presented for first reading. *(CPA09/1)*

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka by providing for certain changes in zoning on property located at NW Greenwood Court, NW Vail Court, and NW 8th Street, extending approximately 320 feet east from NW Vail Avenue from “R-1” Single Family Dwelling District TO “PUD” Planned Unit Development District (M-1 and R-1 use groups) was presented for first reading. (*PUD09/1*)

AN ORDINANCE introduced by Councilmember Deborah Swank amending City of Topeka Code Section 2-27 that establishes council meeting times and places pursuant to the provisions of the City of Topeka Charter Ordinance was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Repair Project No. T-841005.00 (HTE 843550), which provides for the design of the 2010 Street Maintenance Program, 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., authorizing Street Repair Project No. T-841006.00 (HTE 843560), which provides for the repair and replacement of curb and gutter at specified locations in the City, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager distributed the 2010 City Manager’s Proposed Budget and requested that the Budget be referred to the Budget Committee for review. He announced upcoming community events. He also announced Meet the Manager Sessions from 8:30 a.m. to 9:30 a.m. on July 9, 2009 at the Roundabout Café located at 2025 SW Urish Road;

and July 23, 2009 at Nib's House of Coffee located at 2525 N. Topeka Boulevard. He also announced that the Budget Committee would meet at the Cyrus K. Holliday building located at 620 SE Madison on July 11, 2009 at 8:30 a.m., as well as, every Monday evening in the month of July.

Councilmember Preisner moved to refer the 2010 City Manager's Proposed Budget to the Budget Committee for review. The motion seconded by Councilmember Wolgast carried unanimously. (8-0-0)

Councilmember Hiller stated that she attended the Ward-Meade Neighborhood Improvement Association meeting and heard positive reports concerning police and code compliance issues. She also stated that the neighborhood planning focus has gone well and is progressing in a positive manner.

Councilmember Archer noted that he received calls from constituents requesting that fireworks be banned within city limits. He asked if other councilmembers received similar complaints.

Councilmember Ortiz stated that she has received numerous complaints regarding fireworks. She reported that she is in the process of drafting a proposal to shorten the length of time fireworks could be discharged within city limits.

Joseph Ledbetter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:57 p.m.

Brenda Younger
City Clerk