

City Council Minutes – March 28, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 28, 2006. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Ortiz, Nave, Haynes, Blackburn, Preisner and Harmon -7. Absent: Councilmembers Alcala and Duffy -2. Mayor Bunten -1.

AFTER THE MEETING was called to order, Councilmember Preisner asked for a moment of silent meditation.

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

Norton N. Bonaparte, Jr., City Manager announced that the Mayor and the Deputy Mayor were in Washington D.C. He stated that due to their absence the Council would need to nominate a person to chair the meeting.

Councilmember Kennedy moved to nominate Councilmember Harmon to chair the meeting. The motion was seconded by Councilmember Ortiz.

Councilmember Harmon moved to nominate Councilmember Preisner to chair the meeting. The motion was seconded by Councilmember Blackburn.

Brenden Long, City Attorney suggested that in order to distinguish the votes, the vote for Councilmember Preisner would be represented by a “no” vote, and the vote for Councilmember Harmon would be represented by a “yes” vote.

The motion to nominate Councilmember Preisner to chair the meeting carried. Councilmembers Nave, Haynes, Blackburn, Preisner and Harmon voted "no". (2-5-0)

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 7775 introduced by Councilmember John Nave granting Full Gospel Light House Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

MINUTES of the Regular Meeting of March 21, 2006 were presented.

2006 Open After Mid-Night License renewal applications bearing the approval of the Chief of Police were presented for the following:

<u>Business</u>	<u>Address</u>
American Legion Post No. 400	3029 N.W. Highway 24
American Legion Capitol Post I	3800 S.E. Michigan
Applebee's Neighborhood Grill & Bar	5828 S.W. 17 th Street
Bennigan's #1732	3251 S. Topeka Boulevard
Bob's Carwash	2733 S.E. California
Bob's Carwash	3162 S.E. 6 th Street
Boss Hawg's Barbeque & Catering Co.	2833 S.W. 29 th Street
Cousin's Tavern	1211 S. Kansas Avenue
Donnie's	124 S.W. 8 th Street
Easy Times Lounge	501 N.W. Lyman
Fairlawn Plaza BP	2101 Fairlawn Road
Faternal Order of Eagles	2941 S.E. Fremont
Heart Attack Jacks	555 S.W. 39 th Street
Holiday Inn	605 SW Fairlawn Road
Holiday Square BP	2901 Topeka Boulevard
Hooters	6100 S.W. 10 th Street
Hot Pockets	1909 S.E. Seward
IHOP	1731 S.W. Wanamaker Road
Jeremiah Bull Frogs Bar & Grill	2940 S.W. Wanamaker Road
Jul's Cocktail Club	4117 S.W. Huntoon
Kelly Express	1001 S.W. Wanamaker Road
Kick Start Saloon	2521 N. Kansas Avenue
Kwik Shop	743 N.W. Wabash
Kwik Shop	1414 W. 17 th Street
Kwik Shop	4500 S.W. Topeka Boulevard
Kwik Shop	2619 S.W. 21 st Street
Kwik Shop	5633 S.W. 21 st Street
Kwik Shop	1700 Topeka Boulevard
Kwik Shop	102 W. 37 th Street
Kwik Shop	1114 N.W. Topeka Boulevard
Kwik Shop	2277 W. 10 th Street
McB's Sports Grill	2920 S.E. Croco Road
McDonald's	1640 S.W. Wanamaker Road

<u>Business</u>	<u>Address</u>
McDonald's	5525 S.W. 21 st Street
McDonald's	2933 S.W. Wanamaker Road
McDonald's	1201 Gage Boulevard
Oscar's	1416 S.W. 15 th Street
Old Chicago	1231 S.W. Wanamaker Road
Ruby Tuesday	1625 S.W. Wanamaker Road
Shawnee Country Club	913 S.E. 29 th Street
Sk8away Inc.	815 Fairlawn Road
Southwest Bowl	5265 S.W. 28 th Court
Starlite Skate Center	301 S.E. 45 th Street
Static Bar	5243 S.W. 28 th Court
Steak N' Shake	1415 S.W. Wanamaker Road
Taco Bell	2013 N. Topeka Boulevard
Taco Bell	101 S.E. 29 th Street
Taco Bell	1560 S.W. Wanamaker Road
Terrys Billiard Club	3919 S.W. 21 st Street
Theatre Club of Topeka	3028 S.W. 8 th Street
Topeka Moose Lodge No. 555	1901 N. Kansas Avenue
Uncle Bo's	700 S.W. Jackson Street
Varsity Blues	1616 S.W. 17 th Street
Wal-Mart Supercenter	1501 S.W. Wanamaker Street
Wal-Mart Supercenter	1301 S.W. 37 th Street

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

ORDINANCE NO. 18601 introduced by City Manager Norton N. Bonaparte, Jr., relating to the installation of backflow prevention devices, amending City of Topeka Code Section 26-446 and specifically repealing said original section placed on first reading March 21, 2006 was again presented.

Neil Dobler, Public Works Director gave the staff report.

Councilmember Nave moved to adopt the ordinance. The motion was seconded by Councilmember Ortiz.

Councilmember Blackburn distributed an amendment to the ordinance. He stated that beginning on line 19 after the word "Superintendent" insert "Approved training courses shall

include, but are not limited to, backflow/cross connection training courses offered by the American Society of Safety Engineers (ASSE), the Plumbing-Heating-Cooling Contractors Association (PHCC) and the American Water Works Association (AWWA)” and on line 22, after the word “individuals” insert “(other than the ASSE, PHCC and AWWA)”.

Councilmember Blackburn moved to amend the ordinance as distributed. The motion was seconded by Councilmember Kennedy.

Councilmember Kennedy asked when and where the classes would be conducted.

Don Rankin, Water Superintendent stated that he is currently working on a schedule for classes to be conducted in Topeka later this year.

The motion to amend the ordinance carried unanimously. (7-0-0)

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

A PROJECT BUDGET in the amount of \$100,000 and ORDINANCE NO. 18602 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30262, which provides for the purchase and installation of three play structures as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading March 21, 2006 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report. He stated that the project would provide playground equipment for Dornwood Park, Edgewood Park and Washburn Park.

Councilmember Ortiz expressed concern with the lack of lighting at Dornwood Park. She asked if more lights could be installed so parents can monitor their children. She also expressed concern with the location of the playground equipment. She stated that she wants to make sure the children do not have to cross traffic to reach the playground equipment.

Terry Bertels, Acting Parks and Recreation Director stated that they would study the area and decide the safest place to install the playground equipment and avoid traffic. He also stated that they could ask the Baseball Association to help pay for additional lighting for the park.

Councilmember Ortiz moved to approve the project budget and adopt the ordinance. The motion was seconded by Councilmember Kennedy.

Councilmember Nave expressed concern with the lack of lighting, placement of playground equipment and high traffic flow at Dornwood Park.

Councilmember Kennedy asked if HUD funding or federal grant money was available to purchase the Dornwood Park playground equipment.

Terry Bertels stated that Dornwood Park is not located within an active Neighborhood Improvement Association, therefore, it does not qualify for federal funding assistance.

The motion to approve the project budget and adopt the ordinance carried unanimously. (7-0-0)

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

ORDINANCE NO. 18603 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving city expenditures for the period of March 6, 2006, through March 12, 2006 and enumerating said expenditures herein was presented for first and final reading.

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

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

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

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, generally located on the northeast corner of SE California Avenue and SE 45th Street within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes was presented for first reading.

AN ORDINANCE introduced by Councilmembers Clark Duffy, John Nave, and Jeff Preisner amending City of Topeka Code Section 26-281 to include the adoption of Appendix F “Radon Control Methods” of the International Residential Code for One and Two Family Dwellings, 2003 and repealing said original section was presented for first reading.

AN ORDINANCE introduced by Councilmembers Jeff Preisner, Clark Duffy and John Nave amending City of Topeka Code Section 26-297 and establishing Section 26-297.5 regarding buildings and building regulations, and repealing said original section was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., adopting a Redevelopment Project Plan for the College Hill Redevelopment District pursuant to K.S.A. 12-1770 *et seq.*, as amended was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager stated that he received additional information regarding the State of Kansas Re-entry Program and would distribute it to the Council. He explained that the program is intended to assist all parolees that are scheduled for release into the community. He also announced that the informational dinner for the State of Kansas Re-entry Program has been cancelled and will be rescheduled at a later date.

Councilmember Preisner stated that he received information on the State of Kansas Re-entry Program. He explained that the program has been in existence for over three years and has resurfaced due to the high number of parolees. He stated that the program is designed to rehab a certain class of parolees, not just sex offenders for introduction back into the community.

Councilmember Blackburn stated that the confusion surrounding the State of Kansas Re-entry Program could stem from the pending legislation of a similar program. He expressed concern with the newly proposed program because of the large amount of money the State would receive for participating in the program, causing an influx of sex offenders being released into the community.

Brenden Long, City Attorney noted that the selection of the deputy mayor, and the selection of the JEDO Board voting representatives would take place at next week's Council meeting.

Councilmember Blackburn questioned the Council's proposed priorities in regards to requesting federal funding assistance. He stated that he believes the Council's priorities should focus on the implementation of the Elevation Parkway Project, and resolving severe traffic problems throughout the City of Topeka.

Councilmember Haynes asked what the projected total cost of the 2006 and 2007 CIP projects would be. He also asked what the total bonded indebtedness would be for the City of Topeka in 2006 and 2007. He requested that the information be distributed to the Council.

Councilmember Ortiz announced that this weekend is the kick off of Project Take Over/Make Over 2006 for the Quinton Heights and Chesney Park areas. She also reminded those interested in participating in the Team Topeka Youth Employment Program to submit their applications by April 7, 2006.

Councilmember Kennedy requested that the City Manager ask for federal funding for neighborhood improvements, in-fill housing programs, Downtown revitalization and a City of Topeka information booth. She asked for input from the Council regarding the placement of a survey card in the water bills. She explained that the survey would allow the community an opportunity to inform the Council of what they feel is important regarding budget priorities. She also asked if the City Manager would announce the results of the survey to help guide the Council in preparing the budget.

Councilmember Blackburn recommended that the Council focus on essential basic services for the citizens of Topeka when considering budget priorities.

Ken Tolle and Mike Calvin appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:14 p.m.

Iris Walker
City Clerk