

City Council Minutes – April 18, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 18, 2006. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9. Mayor Buntten presided. -1.

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

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 7784 introduced by Councilmembers Clark Duffy and Sylvia Ortiz granting Washburn University, an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

A FINAL PLAT for Matrot Castle located at 6424 SW Huntoon Street within the corporate limits of the City of Topeka, was presented. (P05/9)

MINUTES of the Regular Meeting of April 11, 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>
Celtic Fox Irish Pub	118 S.W. 8 th Street
Jeremiah Bullfrog's Bar & Grille	4115 S.W. Huntoon
McDonald's	2001 N.W. Topeka Boulevard
McDonald's	2880 S.E. California Avenue
McDonald's	3117 S.W. Topeka Boulevard
McDonald's	1100 S. Kansas Avenue
Scoreboard	2107 S.E. California Avenue
Wendy's	1251 S.W. Gage

Councilmember Preisner moved to approve the consent agenda. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

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, April 18, 2006, at 6:00 P.M. on the advisability of Trafficway Improvement Project No. 70203-00.

A PROJECT BUDGET in the amount of \$5,855,000 and RESOLUTION NO. 7785 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Trafficway Improvement Project No. 70203-00 which provides for improvements to the intersection of SE 45th Street and Croco Road and SE 39th Street to SE 44th Street as more specifically described herein was presented.

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

Councilmember Blackburn asked the City Manager to talk with JEDO about helping with the cost of the project.

Councilmember Preisner moved to close the public hearing, approve the project budget and resolution. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

ORDINANCE NO. 18616 introduced by City Manager Norton N. Bonaparte, Jr., relating to the execution of a loan agreement between the City of Topeka, Kansas and the State of Kansas, for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund for the purpose of financing a public water supply project, KPWSLF Project No. 2417; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the Loan Agreement placed on first reading April 11, 2006 was again presented.

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. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18617 introduced by City Manager Norton N. Bonaparte, Jr., relating to the execution of a loan agreement between the City of Topeka, Kansas and the State of Kansas, for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund for the purpose of financing a public water supply project, KPWSLF Project No. 2418; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the Loan Agreement placed on first reading April 11, 2006 was again presented.

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. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18618 introduced by City Manager Norton N. Bonaparte, Jr., relating to the execution of a loan agreement between the City of Topeka, Kansas and the State of Kansas, for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund for the purpose of financing a public water supply project, KPWSLF Project No. 2419; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the Loan Agreement placed on first reading April 11, 2006 was again presented.

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

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18619 introduced by City Manager Norton N. Bonaparte, Jr., relating to the execution of a loan agreement between the City of Topeka, Kansas and the State of Kansas, for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund for the purpose of financing a public water supply project, KPWSLF Project No. 2420; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the Loan Agreement placed on first reading April 11, 2006 was again presented.

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

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

A PROJECT BUDGET in the amount of \$325,000 and ORDINANCE NO. 18620 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70142-02, Part B, which provides for improvements on S.E. California Avenue between S.E. 21st Street and S.E. 29th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading April 11, 2006 was again presented.

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

Councilmember Ortiz moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Kennedy carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18621 introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Division 2, Amendments, to include a new Section 26-430.3, Section 603.4.6 Protection from lawn sprinklers and irrigation systems and specifically repealing said original section placed on first reading April 11, 2006 was again presented.

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

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

A PROJECT BUDGET in the amount of \$1,500,000 and AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 60627-00, which provides for neighborhood infrastructure improvements in seven targeted areas, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading April 11, 2006 was again presented.

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

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

Councilmember Kennedy asked who sets the priorities for the projects.

Randy Speaker, Housing and Neighborhood Director stated that the priorities were based on the plans of each neighborhood, and the needs were reviewed and rated.

Councilmember Duffy asked if the neighborhood element of the Metropolitan Comprehensive Plan is what was reviewed. He stated that he reviewed some of the neighborhood plans and found that a number of the priority areas listed in the plan were not included in the project under consideration.

Randy Speaker stated that he reviewed the plans and used it as a guide to determine what was realistic for them to accomplish.

Councilmember Duffy stated that he believes that the neighborhood elements of the plan are realistic and for the most part, could be accomplished. He asked how the alleys were selected.

Randy Speaker stated that part of the plan was what the neighborhoods asked for because in some of the older neighborhoods they use the alleys.

Councilmember Duffy stated that only one of the plans listed identifies funding of sidewalks. He asked how the need for sidewalks was determined.

Randy Speaker stated that they visited with the Neighborhood Improvement Association and they made a request for the sidewalks. He also stated that they consulted with the City Engineer.

Councilmember Duffy noted that the sidewalks are the responsibility of the property owner. He stated that a significant amount of money from the general fund is being used for sidewalks, which is not consistent with the law or the policy set by the Council. He also stated that he would not support the project and suggested that they refer the project to the Economic and Community Development Committee.

Councilmember Alcala stated that he has a problem with the selection of the targeted areas because there are other areas that have problems as well. He also stated that he believes that the responsibility of the cost of sidewalks should be split 50/50 between the City and the property owner.

Mayor Bunten noted that input on the project was given by the Neighborhood Improvement Associations, the Community Advisory Council, as well as, being approved by the Council. He also stated that money has already been budgeted for the project.

Councilmember Blackburn moved to refer the project budget and ordinance to the Economic and Community Development Committee. The motion was seconded by Councilmember Alcala.

Councilmember Duffy stated that he wants to make sure the project is consistent with the plans that have been adopted. He referred to City of Topeka Code Section 130-356B.

The motion to refer the project budget and ordinance to the Economic and Community Development Committee carried. Councilmember Haynes voted "no". (8-1-0)

ORDINANCE NO. 18622 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 at the northwest corner of SW Urish Road and SW 10th Avenue within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes placed on first reading April 11, 2006 was again presented. (A06/2)

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

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

A REVISED PROJECT BUDGET in the amount of \$4,300,000 and ORDINANCE NO. 18623 introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 29103-01 which provides for improvements to the sanitary sewer service to Deer Creek South basin, and specifically repealing section of City of Topeka Ordinance No. 18441 in conflict with this Ordinance placed on first reading April 11, 2006 was again presented.

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

Councilmember Preisner moved to approve the revised project budget and adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18624 introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka Improvement Project No. 29103-01 for a sanitary sewer extension for property located along East Edge Road, and on SE 45th Street from West Edge Road to Croco Road and North along Croco Road approximately one half mile and north along West Edge Road and extending north to the Kansas Turnpike placed on first reading April 11, 2006 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report. He stated that they are in the process of negotiating an agreement with the owner.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Alcalá carried. Councilmembers Alcalá and Ortiz voted "no". (7-2-0)

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

A PROJECT BUDGET in the amount of \$200,000 and RESOLUTION NO. 7786 introduced by Norton N. Bonaparte, Jr., City Manager, describing and authorizing the Improvement Project No. AH 2006, which provides for Affordable Housing Initiatives and non-federal match for the HUD HOME Program in the City of Topeka as more specifically described herein was presented.

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

Councilmember Ortiz moved to approve the project budget and resolution. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

A PUBLIC IMPROVEMENT PETITION, A PROJECT BUDGET in the amount of \$190,480 and RESOLUTION NO. 7787 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 40944-01 located in the Woodland Trail Subdivision as more specifically described herein was presented.

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

Councilmember Ortiz moved to approve the public improvement petition, project budget and resolution. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

A PUBLIC IMPROVEMENT PETITION, A PROJECT BUDGET in the amount of \$421,150 and RESOLUTION NO. 7788 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 60624-01 located in the Woodland Trail Subdivision as more specifically described herein was presented.

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

Councilmember Ortiz moved to approve the public improvement petition, project budget and resolution. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

ORDINANCE NO. 18625 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of March 27, 2006 through April 2, 2006 and enumerating said expenditures herein was presented for first and final reading.

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

AN ORDINANCE introduced by Councilmembers Clark Duffy, John Nave and Jeff Preisner regarding bonfire or rubbish fire, and repealing and amending City of Topeka Code Sections 70-104 and 70-165 and specifically repealing said original sections was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 12060-01, which provides for the replacement of a bridge on SW 29th Street over South Branch Shunganunga Creek near Randolph Street, 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 Improvement Project No. 30255, which provides for resurfacing and maintenance of roadways and parking lots primarily in Gage Park, 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., 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 Street Improvement Project No. 60572, Phase 2, with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60572, Phase 2, as defined and described in Resolution No.7522, adopted and approved September 14, 2004 and specifically repealing City of Topeka Ordinance No. 18576 was presented for first reading.

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

Norton Bonaparte, Jr., City Manager commended volunteers involved in the cleanup this past weekend. He also expressed his appreciation for the leadership displayed by the Mayor and Randy Speaker, Housing and Neighborhood Director.

Mayor Bunten noted that approximately 300 volunteers picked up over 300 tons of trash and over 400 tires. He stated that although there was still more trash to pick up and glitches to work out, it would get better each time they do it. He also stated that he appreciated everyone's efforts.

Councilmember Ortiz stated that she has received a lot of phone calls regarding the pick up of trash. She asked everyone to be patient because all of the trash would be picked up as soon as possible.

Councilmember Blackburn gave the Council a heads up on an upcoming resolution that would ask the City Manager to prepare a budget that deals only with essential services. He explained that the City Council could then add other items to the budget with five votes of approval by the Council.

Councilmember Haynes asked what procedure the Council is to follow in directing its wishes to the City Manager regarding operations of the City.

Brenden Long, City Attorney stated if the Council is speaking as one voice, it could be handled primarily through a resolution.

Norton Bonaparte, Jr., City Manager stated that the Council could provide direction at work sessions and if there is a specific mandate, a resolution would be appropriate.

Councilmember Preisner stated that he was not interested in putting a lot of restrictions on Mr. Bonaparte regarding preparation of his first operating budget for the City of Topeka.

Councilmember Duffy announced that the Great Topeka Cleanup for all residents is scheduled for this Saturday, April 22, 2006. He encouraged everyone in the City and County to participate. He highlighted some of the events, including a free confidential shredding event; the Kansas Recycling Center will waive fees to recycle computers and aluminum bonus; Waste Management will waive all fees on Saturday; and Topeka Yard Recycling is offering free recycling and selling wood chips, mulch and compost at a discounted rate. He also stated that Expert Tire is offering a tire amnesty on Saturday. He also noted that the contact number for additional information on the Keep America Beautiful event is 785-235-0845.

Councilmember Alcala asked that the media boxes be repaired so they are operable.

Councilmember Blackburn clarified that the items he referred to in the budget were fluff or nonessential items that could be decided by the elected officials.

Councilmember Nave announced that there would be an Economic Development Committee meeting held on April 19, 2006 at 12:00 p.m. in the City Council Office.

Councilmember Preisner reminded those Councilmembers who have not yet responded to the Heartland Park of Topeka SCCA invitation to do so as soon as possible.

J.W. Benning and JoAnn Peavler appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:40 p.m.

Iris Walker
City Clerk