

City Council Minutes – May 16, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 16, 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 Bunten presided. -1.

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

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

Councilmember Kennedy moved to suspend the Council rules to add a resolution to the agenda naming the bridge located one block east of 6th Street and MacVicar as the Harold S. Adams Memorial Bridge. The motion seconded by Councilmember Blackburn carried. Councilmember Haynes abstained. (8-0-1)

Norton N. Bonaparte, Jr., City Manager requested that items 4A, 4B, 4C, 4D and 8A be pulled from the agenda.

Councilmember Nave moved to remove the items from the agenda. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

Councilmember Nave moved to reinstate the Council rules. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

Scott Crider, Safe Streets Coalition volunteer presented the Crime and Safety Report from the Crime and Safety Committee.

Councilmember Preisner moved to refer the report to the Economic and Community Development Committee for review. The motion was seconded by Councilmember Blackburn.

Councilmember Haynes made a substitute motion to refer the report to the Public, Health and Safety Committee for review. The motion seconded by Councilmember Kennedy carried.

Councilmember Duffy voted "no". (8-1-0)

THE CONSENT AGENDA was presented as follows:

MINUTES of the Regular Meeting of May 9, 2006 were presented.

Cereal Malt Beverage License applications bearing the approval of the Chief of Police and City Inspectors for the following were presented:

<u>Business</u>	<u>Address</u>
Berkshire Country Club	3720 SW 45 th Street
California Amoco	2740 California Avenue
Casey's General Store #2312	4441 SE California
Casey's General Store #2261	600 SE Rice Road
Conoco Food Mart	2121 SW Wanamaker Road
Dillon Store #64	5720 SW 21 st Street
Dillon Store #58	1400 Huntoon
Dillon Store #54	800 NW 25 th Street
Dillon Store #47	2815 W 29 th Street
Dillon Store #28	300 W 29 th Street
Dillon Store #67	2010 SE 29 th Street
Downtown Amoco	600 SE Quincy
Food 4 Less	3000 N Topeka Boulevard
Food 4 Less	3110 SE 6 th Avenue
Food 4 Less	1945 SW Gage Boulevard
The Goose Express	2901 SE Freemont
Herman's	823 W Gordon
I-70 BP Amoco	1000 SW Wanamaker
Kelly Express	1001 SW Wanamaker
Kum & Go #322	3335 Gage Boulevard
Kum & Go #705	1114 NW Topeka Boulevard
Kum & Go #720	102 SW 37 th Street
Kum & Go #729	1700 Topeka Boulevard
Kum & Go #740	2277 SW 10 th Street
Kum & Go #743	5633 SW 21 st Street
Kum & Go #757	2619 SW 21 st Street
Kum & Go #781	4500 S Topeka Boulevard
Kum & Go #788	1414 SW 17 th Street
Kum & Go #789	746 NW Wabash
Larry's Shortstop	3834 S Topeka Boulevard
Lucy's Fourth Market	401 SE Lake

<u>Business</u>	<u>Address</u>
Mike's	2620 NE Sardou
Mini Mart Express	1611 SE 29 th Street
Oscos Drug Store #5189	2835 SW Wanamaker Road
Phillips 66	2525 SW 29 th Street
Plaza Bp	1401 Huntoon
Potwin Express	1320 SW 6 th Street
Price Chopper	4015 SW 10 th Street
Price Chopper	5311 SW 22 nd Place
Price Chopper	2210 N Tyler
Price Chopper	2021 SE 29 th Street
Prize Package	1420 E 6 th Street
Quality Gas & Shop	1900 N Topeka Avenue
Rex's Cenex	2855 SW Wanamaker Road
6 th Street Quick Stop & Smoke	1107 SW 6 th Avenue
Star	2201 SW 6 th Avenue
Tilton's	1905 Seward
Tilton's Westside	1100 W 6 th Street
29 th Street Quick Shop	3101 SW 29 th Street
U Market	935 SE 21 st Street
Wal-Mart Supercenter Store #2131	1301 SW 37 th Street
Wal-Mart Supercenter Store #1802	1501 SW Wanamaker Road

Councilmember Kennedy moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Ortiz 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, May 9, 2006, at 6:00 P.M. for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the Office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No. 64068-06, authorized by Resolution No. 7518, adopted and approved September 7, 2004.

ORDINANCE NO. 18638 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. 60468, Phase 6 with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60468, Phase 6 as defined and described in Resolution No. 7518

adopted and approved September 7, 2004, effective September 17, 2004, placed on first reading May 9, 2006 was again presented.

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

Councilmember Preisner moved to close the public hearing and 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.

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ORDINANCE NO. 18639 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. 60343, Phase 2 with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60343, Phase 2 as defined and described in Resolution No. 7472 adopted and approved May 11, 2004, effective May 19, 2004, placed on first reading May 9, 2006 was again presented.

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

Councilmember Preisner moved to close the public hearing and 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.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to building and trade permits, amending City of Topeka Code Section 26-52 and specifically repealing said original section placed on first reading May 9, 2006 was again presented.

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

Councilmember Blackburn stated that there are other trades that require a permit and are not specified in the ordinance.

Councilmember Blackburn moved to refer to the ordinance to the Economic and Community Development Committee. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

ORDINANCE NO. 18640 introduced by City Manager Norton N. Bonaparte, Jr., relating to boards and commissions, repealing Topeka City Code Section 26-221, amending Topeka City Code Section 2-181 and repealing said original sections placed on first reading May 9, 2006 was again presented.

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

Councilmember Preisner 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, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

A PROJECT BUDGET in the amount of \$212,200 and ORDINANCE NO. 18641 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30265-00, which provides for a new roofing system for Central Park Community Center, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading May 9, 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, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18642 introduced by City Manager Norton N. Bonaparte, Jr., relating to Sunday sale of alcoholic liquor and cereal malt beverage in the original package within the City of Topeka, amending Sections 1 and 2 of Ordinance 18523 and repealing said original sections placed on first reading May 9, 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.

ORDINANCE NO. 18643 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 south side of the Kansas Turnpike, approximately ¼ mile west of West Edge Road within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes and specifically repealing City of Topeka Ordinance No. 18593 placed on first reading May 9, 2006 was again presented.

(A06/3)

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

Councilmember Preisner 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 \$1,500,000 and ORDINANCE NO. 18644 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 18, 2006 was again presented.

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

Councilmember Nave gave the committee report. He stated that the Economic and Community Development Committee recommended "Do Pass" by a vote of 3-0-0 on May 3, 2006. He explained that a number of concerns were addressed at the meeting regarding long term plans of certain neighborhoods receiving funding.

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

Councilmember Haynes asked if temporary notes or general obligation bonds would be used to fund the project and if so, how soon would the bonds be issued.

Jim Langford, Budget and Finance Director stated that a portion of the project would be financed with temporary notes later in the year, and the project would be bonded in the Spring of 2007.

Councilmember Haynes questioned if the City should finance the entire amount immediately to avoid increasing interest rates.

Councilmember Duffy asked if it has been determined if there is a conflict of interest issue regarding voting board members, or their families benefiting from the allocation of funds.

Kevin Rooney, Housing and Neighborhood Deputy Director stated that he believes there is not a conflict of interest issue. He explained that the Neighborhood Improvement Association (NIA) members only provided input and did not vote on the allocation of funds. He stated that he is not aware of any board members or family members benefiting from the allocation of funds.

Councilmember Duffy asked if the individuals receiving assistance with curb, gutter and sidewalk repair were considered low income.

Kevin Rooney stated that there was no income level determined, and the allocation of funds was based on an area benefit, which is a procedure used by HUD.

Discussion continued regarding the policy for funding infrastructure improvements based on area and income.

Michael Bradley, Old Town (NIA) clarified that they support funding of projects outside the NIA areas. He also stated that they support the infrastructure improvements in the seven-targeted areas because the project would improve the interior of the city, which is decaying.

Councilmember Blackburn stated that he believes that people who do not live in an NIA or have representation on the Community Advisory Council (CAC) are not aware that funds are available. He suggested that information on the policy be displayed on Channel 4, and distributed in the monthly water bills to inform the community. He also stated that he believes the design fees are too high for the project. He noted that sidewalk improvements are included in the Public Works budget. He suggested that they utilize the funds from the Public Works budget so the City would not have to bond the entire cost of the project.

Councilmember Ortiz stressed the importance of the community being informed on what is available to them.

The motion to approve the project budget and adopt the ordinance 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 COMMUNICATION recommending the re-appointment of Ms. Lorean Williams to the Human Relations Commission for a term that would expire on April 30, 2008 was presented. The communication was deferred from the meeting of May 9, 2006.

Councilmember Alcala moved to approve the communication. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

A ZONING PETITION and ORDINANCE NO. 18645 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 3130 SE 21st Street in the City of Topeka, Kansas from "R-1" Single Family Dwelling District TO "PUD" Planned Unit Development District ("I-1" Light Industrial District, "RR-1" Residential Reserve District and "OS-1" Open Space District) for concrete business office/shops and an extended stay recreational vehicle park, placed on first reading May 2, 2006 was again presented. The zoning petition and ordinance was deferred from the meeting of May 9, 2006. (*PUD06/3*)

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

Councilmember Preisner asked if the caveats that were placed on the application have been fulfilled.

David Thurbon, Planning Director stated that the applicant has made the corrections.

Exparte communications were declared by Councilmembers Ortiz, Nave and Preisner.

Councilmember Preisner moved to approve the zoning petition and 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 COMMUNICATION authorizing the City Manager to execute the contract for sale, deeds and any other documents necessary to convey City property located at 10434 SW 61st Street, Auburn, Kansas was presented.

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

Councilmember Kennedy moved to approve the communication. The motion was seconded by Councilmember Preisner.

Councilmember Blackburn requested that the proceeds from the sale be used to pay cash for another project instead of financing it with bonds.

The motion to approve the communication carried. Councilmember Duffy voted "no". (8-1-0)

A PUBLIC IMPROVEMENT PETITION, A PROJECT BUDGET in the amount of \$880,707 and RESOLUTION NO. 7801 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 60625-00 as more specifically described herein was presented.

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

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

A PUBLIC IMPROVEMENT PETITION, A PROJECT BUDGET in the amount of \$900,961 and RESOLUTION NO. 7802 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 40945-00 as more specifically described herein was presented.

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

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

ORDINANCE NO. 18646 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of April 24, 2006, through April 30, 2006, and enumerating said expenditures herein was presented for first and final reading.

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

Councilmember Preisner moved to 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, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

RESOLUTION NO. 7803 introduced by Councilmember Lana Kennedy regarding the bridge located one block east of 6th Street and MacVicar Avenue and adjacent to Valeo Behavioral Health Care, 2401 SW 6th that shall be named and dedicated as the Harold S. Adams Memorial Bridge, was presented.

Councilmember Kennedy gave the background on naming the bridge.

Councilmember Kennedy moved to approve the resolution. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the City of Topeka, Kansas, to issue its Sales Tax Revenue Bonds, Series 2006, in the aggregate principal amount for the purpose of financing the costs of removing and replacing the Topeka Boulevard Bridge located in the city; authorizing the execution of an indenture by and between the City and U.S. Bank National Association, St. Louis, Missouri, as trustee; and authorizing and approving certain additional documents and actions in connection with the issuance of said bonds 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 asked Jim Langford, Budget and Finance Director to explain the bond rating received regarding the financing of the Topeka Boulevard Bridge.

Jim Langford, Budget and Finance Director stated that the City received a bond rating of A1 from Moody's Investment Company. He explained the financial advantages of receiving an A1 rating.

Councilmember Ortiz thanked everyone who helped with the neighborhood cleanup on Saturday, particularly the firefighters. She announced that TARC is offering free shredding from 9:00 a.m. to 3:00 p.m. on Saturday, May 20, 2006. She expressed concern about a property located across the street from her house. She stated that the property is overgrown and being used as a dumpsite. She thanked Councilmembers and staff in the Code Compliance and

Forestry Departments for their help in expediting the clean up of the property. She encouraged the City Manager to continue moving forward with the clean up of the property.

Councilmember Kennedy thanked Cumulus Broadcasting and Radio Station 99.3 the Eagle, for Cruise Night last Saturday. She stated that it was a great success and an economic boost for the City.

Councilmember Nave stated that he was aware of the property Councilmember Ortiz spoke about. He also stated that there would be an Economic and Community Development Committee meeting held on May 17th, 2006 at 1:00 p.m. in the City Council Office.

Councilmember Blackburn stated that he shares Councilmember Ortiz's concerns regarding the property located at 902 SE Gilmore and the importance of City staff involvement. He also stated that he enjoyed Cruise Night last Saturday evening.

Councilmember Alcala announced that there would be a landscaping ceremony held at the intersection of North Kansas Avenue and Laurent Street on Wednesday, May 24, 2006 at 10:00 a.m.

Mayor Buntin stated that he spoke with Kris Robbins, CEO of Security Benefit Group and asked if he could review the City's debt to evaluate if there is a problem or not. He also stated that Mr. Robin has agreed to allow his staff to evaluate the City's debt at no charge. He encouraged anyone that believes the request is inappropriate to let him know before they start to work on it.

Councilmember Duffy suggested that the Mayor submit the documents to the City's bond advisor because the City pays a fee to receive financial advice.

Lawrence Wheeler appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:45 p.m.

Iris Walker
City Clerk