

City Council Minutes – September 12, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 12, 2006. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Alcalá, Ortiz, Nave, Haynes, Duffy, Preisner and Harmon -7. Mayor Buntin presided. -1. Absent: Councilmembers Kennedy and Blackburn -2.

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

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

Councilmember Duffy moved to suspend the council rules to add a resolution to the agenda granting Washburn University an exception to the noise ordinance. The motion seconded by Councilmember Preisner carried unanimously. (7-0-0)

Councilmember Duffy moved to reinstate the council rules. The motion seconded by Councilmember Nave carried unanimously. (7-0-0)

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION recommending the re-appointment of Theron Sims, 3756 Stonybrook Drive, to the Topeka Planning Commission for a three-year term that would expire on September 30, 2009, was presented.

A COMMUNICATION recommending the appointment of James Brown, 4400 SW Lincolnshire Road, to the Topeka Planning Commission for a three-year term that would expire on September 30, 2009, was presented.

RESOLUTION NO. 7857 introduced by Councilmember Lana Kennedy granting Downtown Topeka, Inc. an exception to the provisions of City of Topeka Code Section 54-148

concerning noise prohibitions during the Mexican Independence Day Celebration, was presented.

RESOLUTION NO. 7858 introduced by Councilmember John Nave, granting Topeka Free Methodist 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 August 22, 2006 and September 5, 2006 were presented.

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

A PROJECT BUDGET in the amount of \$668,352 and ORDINANCE NO. 18709 introduced by City Manager Norton N. Bonaparte, Jr., authorizing an amendment to the project budget for Project No. 70200-01, which provides for reconstruction of S.W. Wanamaker Road from S.W. 37th Street to S.W. 39th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, and repealing City of Topeka Ordinance No. 18089, placed on first reading September 5, 2006 was again presented.

Jim Langford, Acting City Manager gave the staff report.

Councilmember Preisner moved to approve the project budget and ordinance. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

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

ORDINANCE NO. 18710 introduced by Councilmember Lana Kennedy, relating to construction of parking lots and establishing Topeka City Code Chapter 26, Article XIV and Sections 26-660 and 26-662, placed on first reading September 5, 2006 was again presented.

Jim Langford, Acting City Manager gave the staff report.

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

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

ORDINANCE NO. 18711 introduced by City Manager, Norton N. Bonaparte, Jr. amending City of Topeka Code Sections 146-196, 146-283, 146-354 through 146-367, and specifically repealing said original sections placed on first reading September 5, 2006 was again presented.

Jim Langford, Acting City Manager gave the staff report and stated that a committee of stakeholders suggested the recommendations.

Lawrence Wheeler encouraged the Council to continue charging grease hauler fees.

Councilmember Preisner moved to approve the ordinance. The motion seconded by Councilmember Alcalá carried unanimously. (7-0-0)

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

A PROJECT BUDGET in the amount of \$132,240.51 and ORDINANCE NO. 18712 introduced by City Manager Norton N. Bonaparte, Jr. amending the project budget and authorizing as amended Improvement Project No. 13144-01 which provides for improvements to the Law Enforcement Center placed on first reading September 5, 2006 was again presented.

Jim Langford, Acting City Manager gave the staff report.

Councilmember Ortiz moved to approve the project budget and ordinance. The motion seconded by Councilmember Preisner carried unanimously. (7-0-0)

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

ORDINANCE NO. 18713 introduced by Councilmember Lana Kennedy authorizing the purchase, possession and consumption of cereal malt beverages during the Celebration of Mexican Independence Day on September 16, 2006, in downtown Topeka placed on first reading September 5, 2006 was again presented.

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

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

PROJECT BUDGET in the amount of \$587,500 and ORDINANCE NO. 18714 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30260-00, which provides for design and construction services for a new Animal Health Clinic at the City of Topeka Zoo to create a total minimum working environment of 2,400 square feet, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading September 5, 2006 was again presented.

Jim Langford, Acting City Manager gave the staff report. He stated that the Rainforest roof project would be deferred to help fund the project.

Councilmember Duffy stated that he questions the necessity of the Rainforest project if it is being deferred.

Mike Coker, Zoo Director stated that the project is necessary and would be deferred for only a short time because they were anticipating using operating funds to implement the project.

Councilmember Preisner moved to approve the project budget and ordinance. The motion seconded by Councilmember Alcalá carried unanimously. (7-0-0)

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

A RESOLUTION relating to the implementation of a code of ethics policy for the City of Topeka, its elected officials, appointees and employees was presented.

Councilmember Nave gave the committee report and stated that the Economic and Committee Development Committee is still working the policy.

Councilmember Nave moved to refer the resolution to the Economic and Community Development Committee. The motion seconded by Councilmember Alcalá carried unanimously. (7-0-0)

A PUBLIC IMPROVEMENT PETITION, A PROJECT BUDGET in the amount of \$118,103 and RESOLUTION NO. 7859 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60500-02 which provides for paving SW 12th Street in Tanglewood Subdivision No. 2, as more specifically described herein was presented.

Jim Langford, Acting City Manager gave the staff report.

Councilmember Preisner moved to approve the public improvement petition, project budget and resolution. The motion seconded by Councilmember Alcalá carried unanimously. (7-0-0)

A COMMUNICATION requesting approval of the Real Estate Acquisition Report and Real Estate Contract No. 36720 for acquisition of property located at 1185 SW Washburn was presented.

Jim Langford, Acting City Manager gave the staff report.

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

Councilmember Haynes asked if the area would be used for a public purpose.

Randy Speaker, Housing and Neighborhood Director stated that the area would be used for a public park.

Lawrence Wheeler stated that he believes that the proposal is being used as a plan for ethnic cleansing to run Blacks and Hispanics out of the Elmhurst Neighborhood.

The motion to approve the communication carried unanimously. (7-0-0)

RESOLUTION NO. 7860 introduced by City Manager Norton N. Bonaparte, Jr. authorizing the initiation of condemnation proceedings to acquire property for Project No. 606270, for the second phase of the Betty Phillips Park formerly known as Hi-Crest Park, was presented.

Councilmember Alcala moved to approve the resolution. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

RESOLUTION NO. 7861 introduced by Norton N. Bonaparte, Jr., City Manager authorizing the initiation of condemnation proceedings to acquire property for Improvement Project No. 606270, for the third phase of the Washburn Lane Parkway Project was presented.

Jim Langford, Acting City Manager gave the staff report.

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

Lawrence Wheeler stated that he believes that this project is part of an overall plan to run low-income individuals and minorities out of the Elmhurst Neighborhood.

Marc Galbraith, President of the Elmhurst Neighborhood Association spoke in support of the resolution. He stated that removing the properties would complete the most important part of the Elmhurst Neighborhood Plan, and the keystone of insuring neighborhood stability.

Councilmember Duffy asked if the Elmhurst Neighborhood was integrated.

Marc Galbraith stated that the neighborhood is integrated.

The motion to approve the resolution carried unanimously. (7-0-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of August 21, 2006, through August 27, 2006, and enumerating said expenditures therein was presented for first and final reading.

Jim Langford, Acting City Manager gave the staff report.

Councilmember Alcalá stated that he sent an email to Councilmembers last week explaining that some employees have exceeded the maximum amount of expenditures allowed. He suggested deferring the ordinance for one week to allow further explanation of the expenditures.

Councilmember Alcalá moved to defer the ordinance for one week. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

RESOLUTION NO. 7862 introduced by Councilmember Clark Duffy granting Washburn University an exception to the provisions of the City of Topeka Code Section 54-148 concerning noise prohibition, was presented.

Councilmember Duffy moved to approve the resolution. The motion seconded by Councilmember Preisner carried unanimously. (7-0-0)

A FINAL PLAT for Lauren's Bay Estates Subdivision located north of SW 53rd Street between SW Marlboro Road and SW Wanamaker Road, the centerline of which is approximately

3,100 feet north of SW 53rd Street, being contiguous to the City of Topeka within unincorporated Shawnee County, Kansas was presented. (P06/21)

Jim Langford, Acting City Manager gave the staff report.

Councilmember Preisner moved to approve the final plat. The motion was seconded by Councilmember Alcala.

Councilmember Duffy asked if the establishment of a park area has been negotiated between the City and the developer.

David Thurbon, Planning Director stated that the developer would designate the area as a public park if the City would maintain it, otherwise it would be established as a private park for the subdivision.

Terry Bertels, Acting Parks and Recreation Director stated that they have reviewed the property, and if the City accepts the property there is a strong possibility that they would have to pay special assessment fees.

The motion to approve the final plat carried unanimously. (7-0-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning uniform traffic manual adopted, amending City of Topeka Code Section 142-123, and specifically repealing said original section was presented for first reading.

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

Councilmember Ortiz encouraged everyone to utilize the free shredding services being provided by TARC this week. She also thanked the Firefighters for coming out and expressing their concerns, and for their hard work.

Councilmember Harmon welcomed James Carlson, Topeka Capital Journal to the Council meeting. He also thanked Councilmember Alcalá for helping his constituents resolve a problem located near W. 10th Street.

Councilmember Alcalá thanked Bob Sample, Water Pollution Control Director for his assistance in helping resolve the problem located near W. 10th Street.

Robert Wing, Kent Dederick and Lawrence Wheeler appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:23 p.m.

Iris Walker
City Clerk