

## City Council Minutes – October 3, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 3, 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 and Preisner -8. Mayor Bunten presided: -1. Absent: Councilmember Harmon -1.

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

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

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of September 26, 2006 were presented.

A cereal malt beverage license application bearing the approval of the Chief of Police and City Inspections for The Brass Rail, located at 401 Emmett, was presented.

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

A COMMUNICATION authorizing an amendment to the contract between the City of Topeka and Rural Water District No. 8 for the sale of water and specifically authorizing City Manager Norton N. Bonaparte to execute the contract amendment was presented.

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

Councilmember Duffy stated that Rural Water District No. 8 Board members have a meeting scheduled later this week to discuss the proposed amendments.

Councilmember Duffy moved to refer the communication back to the Policy and Finance Committee. The motion seconded by Councilmember Preisner carried. Councilmembers Kennedy and Alcala voted “no”. (6-2-0)

A PROJECT BUDGET in the amount of \$571,200 and ORDINANCE NO. 18721 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30127-12, which provides for the development of plans and specifications to extend the existing Shunga Multipurpose Trail, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, placed on first reading September 26, 2006 was again presented.

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

John Spradling spoke in opposition to the project. He stated that he believes the money could be better utilized elsewhere. He also expressed his concern that the area is dense and floods easily.

Councilmember Duffy asked if the project is part of the Comprehensive Plan.

Terry Bertels, Acting Parks and Recreation Director stated that this extension of the trail completes phase two of the project, in addition to four other phases, that are currently under construction by the Kansas Department of Transportation. He noted that there is also one other phase nearing the bidding process.

Councilmember Blackburn stated that he believes in the concept of the trail, however, he disagrees with the large amount of money that is being proposed for design fees. He suggested that the design fee be reduced by 20% or \$6,500.

Councilmember Blackburn moved to reduce the design fee amount by \$6,500. The motion was seconded by Councilmember Kennedy.

Councilmember Alcalá stated that he believes that changing the allocation for design fees is a policy issue. He asked if a reduction in design fees would have an affect the project.

Terry Bertels stated that the majority of the final bids received for design fees are close to the budgeted amount.

Discussion continued regarding the amount of funds spent on engineering fees for projects, and how they could be reduced.

Councilmember Haynes made a substitute motion to defer action on the ordinance until a policy is established on design fees. The motion was seconded by Councilmember Preisner.

Brenden Long, City Attorney explained that the Charter Ordinance requires Council approval of a project budget prior to receiving bids. He suggested that the series of ordinances that mandate the engineering process for these types of projects be reviewed in a future work session.

Councilmember Preisner withdrew the second to the substitute motion.

Councilmember Blackburn stated that he would oppose the project because he also believed the funds could be spent elsewhere.

Several Councilmembers stated that they agree with a 20% reduction in design fees.

Norton N. Bonaparte, Jr., encouraged the Council to support the amendment and approve the project. He also stated that staff would review all components of the bidding process and report back to the Council.

The motion to reduce the design fees by \$6,500 carried unanimously. (8-0-0)

Councilmember Alcalá moved to approve the project budget and adopt the ordinance as amended. The motion was seconded by Councilmember Ortiz carried. Councilmembers Kennedy and Blackburn voted “no”. (6-2-0)

The ordinance was adopted as amended on roll call vote as follows: Ayes: Alcalá, Ortiz, Nave, Haynes, Duffy and Preisner -6. Noes: Kennedy and Blackburn -2. Absent: Harmon -1.

ORDINANCE NO. 18722 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 11, 2006, through September 17, 2006, and enumerating said expenditures therein 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. Councilmember Alcalá voted “no”.

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Nave, Haynes, Duffy, Blackburn and Preisner -7. Noes: Alcalá -1. Absent: Harmon -1.

RESOLUTION NO. 7484 introduced by City Manager Norton N. Bonaparte, Jr., establishing a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act, K.S.A. 12-17, 114 *et seq.*, was presented.

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

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. relating to the designation of street names, more specifically changing the name of SW Bines Way and SW Elmo Drive in Bines Addition to SE Bines Way and SE Elmo Drive, placed on first reading September 26, 2006 was again presented. (*SNC06/1*)

Councilmember Preisner moved to adopt the ordinance. The motion was seconded by Councilmember Kennedy.

Councilmember Ortiz questioned the directional prefix of the street name changes.

David Thurbon, Planning Director stated that they would contact the American Medical Response Service for verification.

Councilmember Kennedy made a substitute motion to defer the ordinance for one week. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. relating to streetlights, amending Topeka City Code Chapter 130, and Sections 134-77, 134-167, and 134-175 and specifically repealing said original Sections was presented for first reading September 26, 2006 was again presented.

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

Councilmember Preisner moved to adopt the ordinance. The motion was seconded by Councilmember Alcalá.

Councilmember Ortiz asked why the Planning Commission recommended disapproval.

David Thurbon, Planning Director stated that the Planning Commission's primary concerns included the lack of variance procedure in the proposal and the cost impact it would have on the developer.

Councilmember Ortiz made a substitute motion to remand the ordinance back to the Planning Commission. The motion was seconded by Councilmember Blackburn.

Councilmember Blackburn stated that they must be considerate to residents, as well as, developers. He suggested that they consider alternatives to requiring streetlights, such as working yard lights at each residence.

Councilmember Duffy stated that they need to compare how much it would cost the City to provide streetlights if the developer does not.

Councilmember Haynes asked how the streetlight requirement would be funded if the ordinance is adopted.

David Thurbon stated that the requirement would be funded through benefit districts.

The motion to remand the ordinance back to the Planning Commission carried unanimously. (8-0-0)

ORDINANCE NO. 18723 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 between SW 13<sup>th</sup> Street and SW Byron Street and between SW Washburn Avenue and SW Lane Street also including property at the northwest corner of SW 17<sup>th</sup> Street and SW Washburn Avenue and at the southeast corner of SW 14<sup>th</sup> Street and SW Lane Street from "M-1" Two-Family Dwelling District, "O&I-2" Office and Institutional District, "C-2" Commercial District and "C-4" Commercial District ALL TO "PUD" Planned Unit Development District ("M-2" Multiple-Family Dwelling District and "C-2" Commercial District use groups) placed on first reading September 26, 2006 was again presented. (*PUD06/1*)

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

Mayor Bunten asked the Council to declare exparte communications. Councilmembers Duffy and Blackburn declared their exparte communications.

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn and Preisner -8. Absent: Harmon -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 west of SW Wanamaker Road between SW 30<sup>th</sup> Terrace and SW 31<sup>st</sup> Street in the City of Topeka, Kansas from "O&I-2" Office and Institutional District TO "C-1" Commercial District was presented for first reading. (Z06/30)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 14119-00, which provides for replacement of an existing traffic signal, 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 CITY COUNCIL, were presented.

Councilmember Ortiz encouraged everyone to attend their local neighborhood Fire Station Open House event scheduled for the week of October 9 through 14, 2006.

Councilmember Duffy expressed concern with how areas are targeted to receive city funds. He stated that he believes they have an obligation to all low-income residents regardless of where they live in the city. He noted that 46% of the low-income residents are not located in a Neighborhood Improvement Association and are not notified of available resources. He asked the City Manager to research the issue because all areas of the city should be eligible for the targeting of general funds.

Councilmember Haynes asked if the City would be required to establish a standard to follow.

Councilmember Blackburn stated he received complaints from constituents relating to undesirable behavior at a recent downtown event. He stated that they have meet with the sponsors of the upcoming Blue Moon Bash event regarding adequate security and bathroom facilities. He also stated that they are working on developing criteria for events held in the downtown area.

Councilmember Preisner encouraged the community to attend their local neighborhood Fire Station Open House event.

Mayor Bunten noted that he attended several community events this past weekend. He stated that it is important for the public to participate and understand that there are good things happening in the City of Topeka.

Hi Stockwell appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:47 p.m.

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Iris Walker  
City Clerk