

City Council Minutes – December 19, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 19, 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, Blackburn, Preisner and Harmon -8. Mayor Bunten presided: -1. Absent: Councilmember Duffy -1.

AFTER THE MEETING was called to order, Pastor Richard Rounds, First Church of God in Christ, gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION recommending the appointment of Todd Renyer to the Topeka Landmarks Commission for a three-year term that would expire on December 31, 2009 was presented.

A COMMUNICATION recommending the appointment of Christy Davis to the Topeka Landmarks Commission for a three-year term that would expire on December 31, 2009 was presented.

A COMMUNICATION recommending the re-appointment of Greg Allen to the Topeka Landmarks Commission for a three-year term that would expire on December 31, 2009 was presented.

RESOLUTION NO. 7900 introduced by City Manager Norton N. Bonaparte, Jr., declaring the entire boundary of the City of Topeka and rescinding City of Topeka Resolution No. 7730 was presented.

MINUTES of the regular meeting of December 12, 2006 were presented.

Cereal Malt Beverage License applications bearing the approval of the Chief of Police and City Inspectors for Crescent Stores Corporation located at 3300 S.W. Gage Boulevard; and Lynn's Place located at 2212 N.E. Sardou Avenue, were presented.

Dance Hall License applications bearing the approval of the Chief of Police and City Inspectors for the following were presented:

<u>Business</u>	<u>Address</u>
Az Teca Club	1201 S.E. 6 th Avenue
El Pasco Dance Club	108 S.E. 8 th Street
Electric Cowboy	3249 S.W. Topeka Boulevard
Jeremiah Bullfrogs Bar & Grille	4115 S.W. Huntoon
Jul's Cocktail Club	4117 S.W. Huntoon
Stingers	2335 N.W. Clay

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

A 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, December 19, 2006, at 6:00 P.M. regarding a proposed loan in an amount not to exceed \$8,000,000 to be taken by the City from the Kansas Water Pollution Control Revolving Loan Fund, the proceeds of which will be used by the City to finance certain modifications and improvements to the City's water pollution treatment and discharge system, to pay loan and origination cost and interest during construction of the projects.

RESOLUTION NO. 7901 introduced by City Manager Norton N. Bonaparte, Jr., authorizing the filing of an application with the Kansas Department of Health and Environment for a loan under the Kansas Water Pollution Control Revolving Loan Fund Act was presented.

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

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

A 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, December 19, 2006, at 6:00 P.M. relating to the vacation of the South Half of SE 31st Street, extending from the East line of SE Granger Street to the East line of Shawnee Estates Subdivision, located north of 3100 SE Granger Street, City of Topeka, Shawnee County, Kansas.

ORDINANCE NO. 18778 introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of the South Half of SE 31st Street, extending from the East line of SE Granger Street to the East line of Shawnee Estates Subdivision, located north of 3100 SE Granger Street, City of Topeka, Shawnee County, Kansas placed on first reading December 12, 2006 was again presented. (V04S/5)

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 Alcalá carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Blackburn, Preisner and Harmon -8. Absent: Duffy -1.

A 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, December 19, 2006, at 6:00 P.M. relating to the vacation of all of SE Lake Terrace Road in Shawnee Estates Subdivision, extending from the East line of SE Granger Street to the East line of Shawnee Estates Subdivision located south of 3108 SE Granger Street, City of Topeka, Shawnee County, Kansas.

ORDINANCE NO. 18779 introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of all of SE Lake Terrace Road in Shawnee Estates Subdivision, extending from the East line of SE Granger Street to the East line of Shawnee Estates Subdivision located south of 3108 SE Granger Street, City of Topeka, Shawnee County, Kansas placed on first reading December 12, 2006 was again presented. (V06S/2)

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 Nave carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Blackburn, Preisner and Harmon -8. Absent: Duffy -1.

ORDINANCE NO. 18780 introduced by Councilmember Lana Kennedy relating to the Capital City Downtown Business Improvement District, establishing a service fee levy for 2007, amending City of Topeka Code Section 42-38 and specifically repealing said original section placed on first reading December 12, 2006 was again presented.

Susan Mahoney, Downtown Topeka Incorporated appeared to answer questions.

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Blackburn, Preisner and Harmon -8. Absent: Duffy -1.

ORDINANCE NO. 18781 introduced by City Manager Norton N. Bonaparte, Jr., concerning cereal malt beverage retailer license fees, amending City of Topeka Code Section 30-53 and specifically repealing said original section, placed on first reading December 12, 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 Kennedy carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Blackburn, Preisner and Harmon -8. Absent: Duffy -1.

ORDINANCE NO. 18782 introduced by Norton N. Bonaparte, Jr., City Manager repealing City of Topeka Code Appendix B, Article XI, and amending City of Topeka Code Appendix B, Article VIII relating to ambulance services within the City of Topeka, Kansas, providing a non-exclusive franchise to Medevac MidAmerica, Inc., doing business as American Medical Response to operate an ambulance service within the City of Topeka, Kansas, and specifically repealing City of Topeka Code Appendix B, Articles VIII and XI, placed on first reading December 12, 2006 was again presented.

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

Larry Cobler stated that in his opinion the most urgent problem relating to the operation of the current ambulance service is slow call response times. He stated that he believes the problem could be resolved if clear and concise directions were given to the ambulance drivers by the dispatchers, as well as, reducing the distance they have to travel.

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

Councilmember Kennedy asked if the City has received any complaints relating to slow call response times.

Brenden Long, City Attorney stated that the Shawnee County Health Agency Officer regulates the service and has incorporated stricter response time standards in the agreement. He explained that if American Medical Response fails to meet the standards then they will be penalized by receiving a reduced quarterly service payment from Shawnee County. He suggested that citizens file complaints with the Shawnee County Health Agency so they can be documented for evaluation purposes.

Councilmember Kennedy asked for an explanation of the emergency call center process.

Chief Giles stated that emergency calls are initially received and answered at the Law Enforcement Center and immediately routed to the dispatch center located in Independence, Missouri. He explained that the majority of the time they remain on the line until a dispatcher has received the call and directions given to the ambulance driver. He noted that each response time varies because it depends on the volume of incoming calls that each facility is receiving at that time.

The motion to adopt the ordinance carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Blackburn, Preisner and Harmon -8. Absent: Duffy -1

A COMMUNICATION authorizing the City Manager to approve Contract No. 36968 an amendment to the existing 2002-2004 contract between the City of Topeka and the International Association of Firefighters Local 83 relating to wages for 2005 and 2006, as well as, a revised contract incorporating certain changes in the terms and conditions of employment, including wages for the period January 2007 to January 2009, was presented.

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

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

A DEMOLITION PERMIT REQUEST submitted by Bread of Life Foursquare Church for property located at 518 S.W. Polk Street in the City of Topeka, Kansas was presented.

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

Councilmember Kennedy asked the Council to support the demolition of the structure because it would cost more to bring the property into compliance, than the property is worth.

Councilmember Preisner moved that the demolition be approved based upon all relevant factors that there is no feasible or prudent alternative to the proposal. The motion seconded by Councilmember Kennedy carried unanimously. (8-0-0)

RESOLUTION NO. 7902 introduced by Deputy Mayor Jeff Preisner concerning the creation of a joint city-county planning commission was presented.

Councilmember Preisner explained that the resolution would provide for the initiation of discussions with the Shawnee County Commission concerning the establishment of a joint city-county planning commission and agency.

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

RESOLUTION NO. 7903 introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Trafficway Impact Fee District No. 70183-00, which provides for the construction of S. Kansas Avenue from SW 37th Street to Interstate 470 and the S. Topeka Boulevard Intersection, was presented.

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

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

ORDINANCE NO. 18783 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of November 27, 2006, through December 3, 2006, and enumerating said expenditures therein 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 Nave carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Blackburn, Preisner and Harmon -8. Absent: Duffy -1

ORDINANCE NO. 18784 introduced by City Manager Norton N. Bonaparte, Jr. amending the Master PUD Plan of Mission Woods Subdivision by providing for development of a small animal clinic on property located at the northeast corner of SW Urish Road and SW 29th Street in the City of Topeka, Kansas placed on first reading December 12, 2006 was again presented. *(Z84-52J and Z84-53J)*

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

Mayor Bunten asked if there were any exparte communications. There were none declared.

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, Blackburn, Preisner and Harmon -8. Absent: Duffy -1

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. in accordance with Section 48-20.02(c)(5) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a public use facility for outdoor storage of state and federal surplus items on property currently zoned "PUD" Planned Unit Development District (mixed use) and located at 2830 SW Kanza Drive in the City of Topeka, Kansas was presented. *(CU05/8A)*

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

Councilmember Alcala moved to approve the resolution. The motion was seconded by Councilmember Haynes.

Councilmember Preisner asked if the City has the authority to regulate what is stored at the facility because it is visible from the interstate.

David Thurbon, Planning Director stated that the City does not have the authority to control what items are being stored at the site. He explained that opaque screening and landscaping were not required on the south boundary of the site because a tree line is present. He noted that the applicant is seeking a one-year extension of the proposed use because they are having a difficult time locating a suitable site.

Councilmember Blackburn asked if any new sites have been proposed, and if so, where are they in the process.

David Thurbon stated that at this time there have not been any new site plan proposals submitted to the Planning Department.

Barry Greis, representative for the State of Kansas stated that they are in the process of reviewing other sites and have not located a suitable facility at this time. He also stated that he believes a one-year extension would be a sufficient amount of time to locate a new site.

Councilmember Kennedy expressed concern with the location of the site and stated that she believes that the storage facility has a negative effect on the area. She asked if the resolution could be reconsidered in six months.

Councilmember Haynes expressed concern with the length of the lease.

Brenden Long, City Attorney stated that the resolution could not be reconsidered in six months. He recommended that the resolution be sent back to the Planning Commission to consider reducing the length of time the site is leased.

Councilmember Haynes made a substitute motion to refer the resolution back to the Planning Commission to consider reducing the length of time the site is leased. The motion seconded by Councilmember Kennedy carried. Councilmember Alcala voted “no”. (7-1-0)

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., instituting a real estate lien upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for sewage collection and treatment where such payments to the City have not been made due to neglect, failure or refusal to pay, pursuant to K.S.A. 12-631K was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70198-01, which provides for the construction of a roundabout at the intersection of SW Urish Road and SW 21st 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.

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

Norton N. Bonaparte, Jr., City Manager announced that the 2007 City Candidate Filing Packets are available in the City Clerk’s office and at the Shawnee County Election Commission office. He also announced that City Hall would be closed on December 25 and 26, 2006 and January 1, 2007 in observance of the upcoming holidays. He also noted that the Topeka Zoo would be closed on December 25, 2006 and January 1, 2007 in observance of the upcoming holidays.

Councilmember Blackburn encouraged the Council to support a proposal he is preparing that would raise the city sales tax by one cent, and require the City to use all the money it raises

to cover expenses currently funded with property tax revenues. He also noted that the tax burden on Topeka residents would be reduced by approximately 40%.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6.47 p.m.

Brenda Younger
Interim City Clerk