

City Council Minutes – February 6, 2007

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 6, 2007. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcalá, Ortiz, Nave, Duffy, Blackburn, Preisner and Harmon -8. Mayor Bunten presided: -1. Councilmember Haynes -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 Alcalá moved to suspend the Council Rules to add a Cereal Malt Beverage License application for Miami Tavern to the consent agenda. The motion seconded by Councilmember Ortiz carried. Councilmember Duffy was out of the room. (7-0-0)

Councilmember Alcalá stated that approval of the application is contingent on the repair, or installation of the grill hood, and acceptance and approval of city inspections.

Councilmember Alcalá moved to reinstate the Council Rules. The motion seconded by Councilmember Ortiz carried. Councilmember Duffy was out of the room. (7-0-0)

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of January 30, 2007 were presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for Miami Tavern located at 3026 NE Seward, was presented

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

ORDINANCE NO. 18808 introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of \$14,135,000 aggregate principal amount of General Obligation Refunding Bonds, Series 2007-A, of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive; K.S.A. 10-427 et seq., all as amended, placed on first reading January 30, 2007 was again presented.

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

Jim Langford, Budget and Finance Director stated that the ordinance authorizes the refinancing and refunding of general obligation bonds issued in 2001. He reported that they received a total of 7 bids, and Citigroup Global Markets, Inc., was the top bidder offering an interest rate of 3.98%. He also reported that the refinancing of bonds generated a savings of \$490,000, which is 3.5% of the refunded principal. He noted that the project stayed within the 3% standard target guideline of the debt management policy.

Councilmember Preisner moved to 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, Duffy, Blackburn, Preisner and Harmon -8. Absent: Haynes -1.

RESOLUTION NO. 7912 introduced by City Manager Norton N. Bonaparte, Jr. authorizing the issuance and delivery of \$14,135,000 principal amount of General Obligation Refunding Bonds, Series 2007-A of the City of Topeka, Kansas, for the purpose of providing funds to refund certain outstanding general obligation bonds of the

city; prescribing the form and details of said bonds and authorizing certain other documents and actions in connection with the issuance of the bonds, all pursuant to K.S.A. 10-427 et seq. and Article 1 of Chapter 10 of the Kansas Statutes annotated, all as amended was presented.

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

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

AN ORDINANCE introduced by Councilmembers John Nave, Brett Blackburn and Lana Kennedy, sitting as the Economic and Community Development Committee, repealing City of Topeka Code Section 2-494 and amending City of Topeka Code, Sections 2, Article 9 and 2-486, 2-487, 2-488, 2-489, 2-490, 2-491, 2-492, and 2-493 establishing a Code of Ethics for elected and appointed officials and employees for the City of Topeka, and specifically repealing said original sections placed on first reading November 28, 2006 was again presented.

Councilmember Nave referred the ordinance to the Committee of the Whole. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

A COMMUNICATION selecting three (3) Councilmembers to serve on the Transient Guest Tax Fund Selection Committee, was presented.

Councilmember Preisner moved to nominate Councilmembers Kennedy, Blackburn and Harmon. The motion was seconded by Councilmember Blackburn.

Councilmember Ortiz made a substitute motion to defer the communication until April 10, 2007 to allow new Councilmembers the opportunity to serve on the committee. The motion was seconded by Councilmember Alcala.

Councilmember Preisner clarified that the intent of the motion was to open nominations for the purpose of slating three Councilmembers for the ballot question.

Councilmember Kennedy asked how a delay would affect the distribution of funds and upcoming events.

Brenden Long, City Attorney stated that the delay would only affect the events scheduled between now and the date of deferral.

Richard Forester, Visit Topeka, Inc., stated that the delay would have a significant affect on Heartland Park and the Topeka Performing Arts Center event budgets, and it may also impact the planning budgets for the events scheduled in June and July.

Councilmember Preisner made a substitute motion to nominate Councilmembers Kennedy, Blackburn and Harmon. The motion was seconded by Councilmember Duffy.

Councilmember Preisner moved to close the nominations. The motion died due to a lack of second.

Councilmember Alcala moved to nominate Councilmembers Ortiz, Haynes and Harmon. The motion was seconded by Councilmember Ortiz.

Mayor Bunten asked for clarification on the voting process.

Brenden Long, City Attorney stated that the vote of nominations could be conducted on a roll call basis, or by written ballot.

The Mayor ruled that it does not require a motion to make nominations, and the substitute motion to defer the communication until April 10, 2007 was in order.

Norton N. Bonaparte, Jr., stated that he believes they should proceed with the process to allow organizations the courtesy of knowing the amount of funds they would receive by the end of April.

Councilmember Alcalá made a substitute motion to defer the communication until April 17, 2006. The motion seconded by Councilmember Ortiz failed. Councilmembers Kennedy, Nave, Duffy, Blackburn, Preisner and Harmon voted “no.” (2-6-0)

The motion to defer the communication until April 10, 2007 failed. Councilmembers Kennedy, Nave, Duffy, Blackburn, Preisner and Harmon voted “no.” (2-6-0)

Councilmember Preisner nominated Councilmembers Kennedy, Blackburn and Harmon.

Councilmember Alcalá nominated Councilmembers Ortiz, Haynes and Harmon.

Councilmember Alcalá moved to defer the communication for one week to allow for Councilmember Haynes to be present during nominations. The motion seconded by Councilmember Ortiz failed. Councilmembers Kennedy, Nave, Duffy, Blackburn and Preisner voted “no.” (3-5-0)

Upon hearing no further nominations, Councilmember Preisner moved to close the nominations. The motion seconded by Councilmember Blackburn carried unanimously. (8-0-0)

Following the tally of the written ballots, the City Clerk announced that Councilmembers Kennedy, Blackburn and Harmon were selected to serve as members on the Transient Guest Tax Fund Selection Committee.

Councilmember Preisner requested that they nominate a Councilmember to serve as the Tourism Development Fund Board representative.

Councilmember Preisner nominated Councilmember Haynes.

Councilmember Alcalá nominated Councilmember Ortiz.

Upon hearing no further nominations, Councilmember Blackburn moved to close the nominations. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

Following the tally of the written ballots, the City Clerk announced that Councilmember Ortiz would serve as the Tourism Development Fund Board representative.

RESOLUTION NO. 7913 introduced by Councilmember Jeff Preisner concerning the appropriating and authorizing the expenditure of transient guest tax funds was presented.

Councilmember Preisner explained that the resolution would appropriate funds in the amount of \$25,000 to fund the newly created sales and marketing position outlined in the Visit Topeka, Inc., contract.

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

Jim Langford, Budget and Finance Director requested that the resolution be amended to reflect the allocation of \$82,662 to the Historic Preservation Fund as required by Resolution No. 7253.

Norton N. Bonaparte, Jr., City Manager clarified that transient guest tax funds would be appropriated as follows; \$800,000 to Visit Topeka, Inc., \$347,500 to the Tourism Development Fund Allocation Program, and \$82,662 to the Historic Preservation Fund.

Councilmember Duffy moved to amend the resolution to reflect the allocation of \$82,662 to the Historic Preservation Fund. The motion seconded by Councilmember Nave carried unanimously. (8-0-0)

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

ORDINANCE NO. 18809 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of January 15, 2007, through January 21, 2007, 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 Preisner carried unanimously. (8-0-0)

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

Councilmember Kennedy stated that the resolution was remanded back to the Planning Commission from the meeting of December 19, 2006 for further consideration of a possible six month extension, rather than one year. She asked the Council to support

the Conditional Use Permit request because the State is actively trying to sale the property, and has agreed to vacate the property as soon as it is sold.

Councilmember Kennedy moved to approve the resolution. The motion was seconded by Councilmember Alcalá.

Mayor Bunten asked if there were any exparte communications besides Councilmembers Kennedy, Alcalá and Ortiz. There were none declared.

Councilmember Duffy questioned the State's intention regarding future use of the business park area because the site is located directly next to a State approved salvage yard. He stated that in his opinion, the site is not marketable, therefore, he will not support the request.

Councilmember Kennedy encouraged Go Topeka, Inc., the Topeka Chamber of Commerce and other area business owners to promote the area.

The motion to approve the resolution failed. Councilmembers Alcalá, Ortiz, Nave, Duffy and Blackburn voted "no." (3-5-0)

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a tract of land in the SW 16th Street public right-of-way beginning at a point 22.85 feet east of the NW Corner of Lot 1, Block "D" College Hill Redevelopment Subdivision, City of Topeka, Shawnee County, Kansas was presented for first reading. (V06S/3)

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 at 2131 SW Gage Boulevard in the City of Topeka, Kansas

from "PUD" ("O&I-1" Office and Institutional District and "C-1" Commercial District use groups) TO "C-2" Commercial District was presented for first reading. (Z06/34)

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 at the northeast corner of SE 15th Street and SE Adams Street in the City of Topeka, Kansas from "I-2" Heavy Industrial District and "R-1" Single Family Dwelling District ALL TO "C-2" Commercial District was presented for first reading. (Z07/1)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 14119-00, which provides for replacement of an existing traffic signal at North Kansas Avenue and Paramore Street, and specifically repealing City of Topeka Ordinance No. 18724 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property for Trafficway Impact Fee Improvement Project No. 70183-00, which provides for the construction of S. Kansas Avenue from SW 37th Street to the Interstate 470 and S. Topeka Boulevard intersection was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending and authorizing Trafficway Impact Fee District No. 70183-00, which provides for the construction of S. Kansas Avenue from SW 37th Street to the Interstate 470 and S. Topeka Boulevard intersection as more specifically described herein, all pursuant to City

of Topeka Code Section 130-761 et seq., and City of Topeka Code A12-1 and specifically repealing City of Topeka Ordinance No. 18346 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning the redevelopment project plan for Heartland Park Topeka and amending the project plan and budget as established by City of Topeka Ordinance No. 18541 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending Topeka City Code Sections 134-143 and 134-169, subdivision regulations, relating to parkland acquisition and development as well as streets, repealing said original sections was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending City of Topeka Code Section 142-187 regarding speed limits 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.

Norton N. Bonaparte, Jr., City Manager announced that a public meeting to discuss the Metropolitan Topeka Long Range Transportation Plan will be held on February 8, 2007, at the Topeka Public Library located at 1515 SW 10th Street. He also announced that the Zoo is hosting “Valentine’s Day at the Zoo,” on February 10, 2007 from 10:00 a.m. to 500 p.m.; and the Human Relations Commission will host “Human Relations in Topeka Facing Justice” on February 15, 2007 at 6:00 p.m. in the Cyrus K. Holliday Building Conference Room.

Councilmember Ortiz announced that there would be a meeting on February 7, 2007 at the Hillcrest Community Center at 6:30 p.m. to discuss the SE 15th Street and SE Adams Street Area Project. She also asked if the Deputy Mayor would be allowed to give up the right to serve on the JEDO Board if a replacement is nominated.

Brenden Long, City Attorney stated that he would review the guidelines of the inter-local agreement and report back to the Council.

Councilmember Duffy commended staff for creating a draft report on the Infrastructure Improvement Funding Policy and Coordination Guidelines. He offered suggested changes to the following sections of the report; to clarify the intended use of the city-wide Neighborhood Infrastructure Program, include a funding policy and coordination guidelines for Capital Improvement Program project line items, include curb, gutter and sidewalk programs as part of the street improvement projects, and include the Enforcement Program. He also stated that he received a communication questioning the intent of Resolution No. 7339 in regards to rural water district contract requirements. He asked for an update on all rural water district contracts, and if they are consistent with requirements of the resolution.

Ted Mize appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:26 p.m.

Clerk

Brenda Younger
Interim City