

City Council Minutes – February 20, 2007

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 20, 2007. 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 Harmon -8. Absent: Councilmember Preisner and Mayor Bunten -2.

Norton N. Bonaparte, Jr., City Manager announced that Mayor Bunten and Deputy Mayor Preisner were absent.

The City Clerk called the meeting to order, and asked for nominations to elect a meeting chair.

Councilmember Blackburn nominated Councilmember Duffy.

Councilmember Ortiz nominated Councilmember Haynes.

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

The City Clerk stated that a “yes” vote would represent Councilmember Haynes, and a “no” vote would represent Councilmember Duffy.

Following the roll call vote, the City Clerk announced that Councilmember Duffy was nominated to chair the meeting. Councilmembers Kennedy, Nave, Duffy and Blackburn voted “no.” Councilmember Haynes abstained. (3-4-1)

Councilmember Kennedy 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 February 13, 2007 were presented.

Cereal Malt Beverage License applications bearing the approval of the Chief of Police and City Inspectors for The Pub located at 836 N. Kansas Avenue; and Lupita's located at 732 S. Kansas Avenue, were presented.

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

A PROJECT BUDGET in the amount of \$1,709,200 and ORDINANCE NO. 18819 introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 28509-01 which provides for the installation of two (2), twenty (20) inch water lines on the new Topeka Boulevard Bridge over the Kansas River which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay a portion of the cost thereof pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto and repealing City of Topeka Ordinance No. 18555 placed on first reading February 13, 2007 was again presented.

NOTICE OF INTENTION to make improvements under Improvement Project No. 28509-01 which provides for the installation of two (2), twenty (20) inch waterlines on the new Topeka Boulevard Bridge over the Kansas River which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the

Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay a portion of the cost thereof pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto was presented.

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

Councilmember Alcalá moved to approve the project budget, adopt the ordinance and approve the Notice of Intention. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

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

ORDINANCE NO. 18820 introduced by Councilmembers Clark Duffy and Jeff Preisner, amending City of Topeka Code Section 146-37 concerning water service to an owner of real property outside city limits, and specifically repealing said original section placed on first reading September 19, 2006 was again presented.

Councilmember Duffy stated that the Policy and Finance Committee recommended approval by a vote of 2-0-0 on February 5, 2007. He noted that the amendments approved by committee would make the City's water and sewer service policies consistent.

Councilmember Harmon moved to accept the committee report. The motion seconded by Councilmember Haynes carried unanimously. (8-0-0)

Councilmember Duffy moved to amend the ordinance by adding, "The negotiation of new water supply contracts or amendments to existing contracts shall be subject to the City's policy for the sale of water to rural water districts set forth in City of Topeka Resolution No. 7339, unless an exception thereto is specifically granted by the City Council." after the word

“system” on line 34; and adopt the ordinance as amended. The motion was seconded by Councilmember Nave.

Councilmember Alcalá questioned the financial benefits of annexation because of the cost of providing services to the areas.

Norton N. Bonaparte, Jr., City Manager stated that to determine actual cost savings, each area must be researched, and calculated on a case by case basis.

David Thurbon, Planning Director stated that in his opinion the long-term financial affects of annexation outweigh the short-term affects because the city is growing outward.

The motion to amend the ordinance carried. Councilmember Alcalá voted “no.” (7-1-0)

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

AN ORDINANCE introduced by Councilmember Sylvia Ortiz regulating the distribution, acquisition, possession and use of graffiti implements, placed on first reading February 13, 2007 was again presented.

Councilmember Ortiz stated that there are a number of questions that that need to be answered. She suggested that the ordinance be referred to the Public, Health and Safety Committee to allow the Council more time to review the document.

Councilmember Ortiz moved to refer the ordinance to the Public, Health and Safety Committee. The motion seconded by Councilmember Haynes carried unanimously. (8-0-0)

ORDINANCE NO. 18821 introduced by City Manager Norton N. Bonaparte, Jr., regulating public offenses within the corporate limits of the City of Topeka, Kansas; incorporating by reference the "Uniform Public Offense Code for Kansas Cities," edition of 2006, with certain deletions and omissions; adopting new language regarding attempted offenses;

and amending City of Topeka Code Section 54-8, creating City of Topeka Code Section 54-9 and specifically repealing original City of Topeka Code Sections 54-36, 54-37, 54-38, 54-39, 54-40, 54-41, 54-42, 54-72, 54-74, 54-101, 54-103 and 54-121 in their entirety placed on first reading February 13, 2007 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 Kennedy carried unanimously. (8-0-0)

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

A CHARTER ORDINANCE introduced by Councilmember Brett Blackburn establishing a limitation on the growth of City expenditures placed on first reading February 13, 2007 was again presented.

Councilmember Blackburn stated that he believes the ordinance is a simple measure to help limit government spending.

Councilmember Blackburn moved to amend the charter ordinance by stipulating that the spending limitation only applies to the general fund. The motion seconded by Councilmember Haynes carried. Councilmember Ortiz voted “no.” (7-1-0)

Councilmember Haynes commended Councilmember Blackburn for his effort, and stated that he believes that the charter ordinance is a reckless financial measure.

Councilmember Alcalá stated that he believes the charter ordinance would not allow the City the ability to set a reasonable budget.

Councilmember Ortiz commended Councilmember Blackburn for his continuing effort in monitoring the City's spending. She stated that she believes they should allow the voters to decide how City funds are spent.

Councilmember Nave commended Councilmember Blackburn for his efforts, and stated that he believes there is a better way to monitor government spending. He also noted that he received a lot of negative feedback from constituents regarding the charter ordinance.

Councilmember Duffy stated that the issue is not time sensitive, and the Council should research ways to manage funds in the future. He suggested that the Council adopt ordinances that would establish policies that accomplish Councilmember Blackburn's goals.

Councilmember Blackburn stated that he believes that the voters want a mechanism to control government spending.

Councilmember Blackburn moved to adopt the charter ordinance as amended. The motion seconded by Councilmember Kennedy failed. Councilmembers Alcala, Ortiz, Nave, Haynes, Duffy and Harmon voted "no." (2-6-0)

RESOLUTION NO. 7917 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 Ortiz moved to approve the resolution. The motion seconded by Councilmember Nave carried. Councilmember Haynes voted "no." (7-1-0)

RESOLUTION NO. 7918 introduced by City Manager Norton N. Bonaparte, Jr., amending the method of assessment and authorizing Street Improvement Project No. 60598-02,

as more specifically described herein, pursuant to K.S.A. 12-6a01, et seq., as amended, and rescinding City of Topeka Resolution of Advisability and Authorization No. 7593 was presented.

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

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

ORDINANCE NO. 18822 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of January 29, 2007, through February 4, 2007, and enumerating said expenditures therein was presented for first and final reading.

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

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

A RESOLUTION introduced by Councilmember Brett Blackburn concerning the imposition of a one percent (1.00%) retailer's sales tax as provided by KSA 12-187, as amended was presented.

Councilmember Blackburn moved to defer the resolution for six months. The motion seconded by Councilmember Ortiz carried. Councilmember Ortiz voted "no." (7-1-0)

RESOLUTION NO. 7919 introduced by City Manager Norton N. Bonaparte, Jr., authorizing the submission of an application by the Topeka Zoological Park for continued accreditation by the Association of Zoos and Aquariums (AZA) was presented.

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

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

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., regarding a Contract Franchise Ordinance granted to CenturyTel Acquisition, L.L.C., a telecommunications local exchange service provider providing local exchange service within the City of Topeka, Kansas was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., regarding a Contract Franchise Ordinance granted to YourTel America, Inc., a telecommunications local exchange service provider providing local exchange service within the City of Topeka, Kansas 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 the Council if they would like staff to again review the City-County Parks and Recreation Department Consolidation Study, and report back to the Council with recommendations.

Councilmember Ortiz moved to direct the City Manager to review the City-County Parks and Recreation Department Consolidation Study, and report back to the Council with recommendations. The motion seconded by Councilmember Kennedy carried. Councilmember Duffy voted “no.” (7-1-0)

The City Manager announced that there would be a Topeka Planning Commission meeting held on February 26, 2007 at 5:30 p.m. in the Cyrus K. Holliday Building Conference Room. He also announced that there would be no City Council meeting on February 27, 2007 due to the primary elections; the 2007 “Starting Your Own Business” orientation sessions will be held on March 6, 2007 at 6:00 p.m. in the Topeka/Shawnee County Public Library; and the Topeka Police Department is offering the “Retail Robbery Prevention and Response Training

Session” for Topeka area businesses on March 6, 2007 at 6:00 p.m. in the Law Enforcement Center.

Councilmember Blackburn stated that he was disappointed that the charter ordinance that would establish a limit on the growth of City expenditures was not adopted. He also noted that the City of Topeka was listed in AARP Magazine as being one of the top ten cities that have had an overall reduction in crime, making the City of Topeka a prime place for the elderly to relocate.

Councilmember Nave stated that the citizens that were recently involved in helping the police apprehend a suspect proves that community policing plays a vital role in reducing crime.

Councilmember Ortiz stated that she believes that the regulating of graffiti implements would help reduce graffiti crimes. She also stated that it is important to educate the youth on the value of personal property, as well as, the importance of giving back to the community in a positive way through artistic talents.

Councilmember Kennedy stated that the primary elections will be held on February 27, 2007 and encouraged citizens to vote.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:10 p.m.

Brenda Younger
Interim City Clerk