

City Council Minutes – March 20, 2007

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 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, Preisner and Harmon -9. Mayor Bunten presided: -1.

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

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

Councilmember Preisner moved to suspend the Council Rules to add an ordinance concerning the establishment of annual goals and objectives for the City Manager to the agenda. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

Councilmember Preisner moved to reinstate the Council Rules. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

Mayor Bunten noted that the ordinance would be placed on the agenda under First Readings, as item 8G.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of March 13, 2007 were presented.

2007 Open After Mid-Night License renewal applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

<u>Business</u>	<u>Address</u>
American Legion Capitol Post No. 1	3800 SE Michigan
American Legion Post No. 400	3029 NW Hwy 24
Blind Tiger Brewery & Restaurant	417 SW 37 th Street
CSC #46	3300 SW Gage Blvd
CSC #48	1531 SW Wanamaker
CSC #49	2836 SW Fairlawn
CSC #50	600 SW Fairlawn

Business

Deep Pockets
Down Under Lounge
The Dugout
Fairlawn Plaza BP
Fraternal Order of Eagles
Heart Attack Jacks
Hot Pockets
Jeremiah Bullfrog's Bar & Grill
Jeremiah Bullfrog's Bar & Grill
Kelly Express
Kick Start Saloon
Kwik Shop #705
Kwik Shop #720
Kwik Shop #729
Kwik Shop #740
Kwik Shop #743
Kwik Shop #757
Kwik Shop #781
Kwik Shop #788
Kwik Shop #789
McB's Sports Grill
Old Chicago
Poor Bill's
Ruby Tuesday
Sk8way Inc.
Starlite Skate Center Inc.
Taco Bell
Taco Bell
Taco Bell
Tammy's On The Go
Terry's Billiard Club
Theatre Club of Topeka Inc.
The Tool Shed Tap
Topeka Performing Arts Center
Varsity Blues
VIP Lounge
West Ridge Lanes & Family Fun Center
Whiplash

Address

4310 SW 21st Street
3810 S. Topeka Blvd Suite B
1545 SW Fairlawn
2101 SW Fairlawn Rd
2941 SW Freemont
555 SW 39th Street
1909 NE Seward
2940 SW Wanamaker Rd
4115 SW Huntoon
1001 SW Wanamaker Rd
2521 N. Kansas Ave
1114 NW Topeka Blvd
102 W. 37th Street
1700 Topeka Blvd
2277 W. 10th Street
5633 SW 21st Street
2619 SW 21st Street
4500 SW Topeka Blvd
1414 W. 17th Street
746 NE Wabash
2920 SE Croco Rd
1231 SW Wanamaker Rd
840 N. Kansas
1625 SW Wanamaker
815 Fairlawn Rd
301 SE 45th Street
2013 N. Topeka Blvd
101 SE 29th Street
1560 SW Wanamaker Rd
3335 Gage Blvd
3919 SW 21st Street
3028 SW 8th Street
921 S. Kansas Ave
214 SE 8th Street
1616 SW 17th Street
3235 SW 28th Court
1935 SW Westport Dr
2107 SE California

Councilmember Preisner moved to approve the consent agenda. The motion seconded by

Councilmember Ortiz carried unanimously. (9-0-0)

RESOLUTION NO. 7925 introduced by Councilmember Clark Duffy directing the City Manager to enter into an agreement with Westar Energy for managing of City right-of-way trees, was presented.

Councilmember Duffy encouraged support of the resolution because the agreement is a good starting point for resolving the tree trimming issues.

Councilmember Alcalá stated that WeStar Energy rejected his proposed amendment that would protect the trimming of certain trees located within City right-of-ways. He noted that his intent was to improve, not jeopardize the execution of the original agreement.

Councilmember Alcalá withdrew the amendment.

Councilmember Alcalá moved to approve the resolution. The motion seconded by Councilmember Harmon carried unanimously. (9-0-0)

A PETITION, a PROJECT BUDGET in the amount of \$540,800 and RESOLUTION NO. 7926 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Sanitary Sewer Improvement Project No. 40951-00 which provides for sewer improvements in Lauren's Bay Villas No. 2, as more specifically described herein was presented.

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

Councilmember Blackburn moved to approve the petition, project budget and resolution. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

A PETITION, a PROJECT BUDGET in the amount of \$957,000 and RESOLUTION NO. 7927 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60632-00 which provides for street improvements in Lauren's Bay Villas No. 2, as more specifically described herein was presented.

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

Councilmember Blackburn moved to approve the petition, project budget and resolution.

The motion seconded by Councilmember Kennedy carried unanimously. (9-0-0)

A PETITION, a PROJECT BUDGET in the amount of \$162,400.00 and RESOLUTION NO. 7928 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Waterline Extension Project No. 28627-00 which provides water service to Lauren's Bay Villas No. 2, as more specifically described herein was presented.

Councilmember Blackburn moved to amend the project budget by increasing the amount to \$163,400. The motion seconded by Councilmember Kennedy carried unanimously. (9-0-0)

Councilmember Blackburn moved to approve the petition, project budget as amended, and the resolution. The motion seconded by Councilmember Kennedy carried unanimously. (9-0-0)

RESOLUTION NO. 7929 introduced by City Manager Norton N. Bonaparte, Jr. authorizing initiation of condemnation proceedings to acquire property interest for Improvement Project No. 70142-02, which provides for the removal of the medians at the intersection of 25th Street and California and the construction of sidewalk on the west side of California Avenue from 21st Street to 29th Street, 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 unanimously. (9-0-0)

RESOLUTION NO. 7930 introduced by City Manager Norton N. Bonaparte, Jr., concerning Community Service Programs and tax credits for the restoration of the Ritchie House 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 unanimously. (9-0-0)

RESOLUTION NO. 7931 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 Preisner carried unanimously. (9-0-0)

ORDINANCE NO. 18834 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of February 19, 2007, through February 25, 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 was seconded by Councilmember Kennedy.

Councilmember Alcalá asked for an update on the Procurement Card (P-Card) Process in regards to the use of competitive quotes.

Norton N. Bonaparte, Jr., stated that staff is encouraged to obtain competitive prices when using p-cards by seeking at least three telephone or facsimile quotations when possible. He also stated that the City's purchasing practices are in line with purchasing guidelines nationwide, and City administration continues to monitor all purchase transactions.

The motion to adopt the ordinance carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18835 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of February 26, 2007, through March 4, 2007, and enumerating said expenditures therein, was presented for first and final reading.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

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 2024 SW Fairlawn Road in the City of Topeka, Kansas from "R-1" Single-Family Dwelling District TO "C-1" Commercial District placed on first reading March 6, 2007 was again presented. (Z07/2)

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

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

Councilmember Kennedy moved to adopt the Planning Commission's recommendation to disapprove the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

The ordinance was not adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

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 2114 SW Seabrook Avenue in the City of Topeka, Kansas from "R-1" Single-Family Dwelling District, TO "O&I-1" Office and Institutional District placed on first reading March 6, 2007 was again presented. (Z06/31)

Norton N. Bonaparte, Jr., City Manager stated that they received a request from the attorney representing the applicant to defer the zoning case until April 17, 2007.

Councilmember Blackburn stated that area residents filed a protest petition against the zoning case. He recommended that the ordinance be referred to the Economic and Community Development Committee to allow the developer and area residents, additional time to resolve their differences.

Councilmember Blackburn moved to refer the ordinance to the Economic and Community Development Committee. The motion seconded by Councilmember Haynes carried. Councilmembers Duffy, Preisner and Harmon voted "no." (6-3-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the execution of a loan agreement between the City of Topeka, Kansas and the State of Kansas, for the purpose of obtaining a loan from the Kansas Water Pollution Control Revolving Fund for the purpose of financing a Wastewater Treatment Project was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning building codes, repealing City of Topeka Code Sections 26-137, 26-139 through 157 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning building codes, amending City of Topeka Code Section 26, Article IV, Division 2; and amending City of Topeka Code Sections 26-39, 26-116, 26-118, 26-119, 26-136, and 26-138 and specifically repealing said original sections was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 12052, which provides for replacement of functionally obsolete bridge on SW 10th Street approximately ½ mile west of Wanamaker Road, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., for Improvement Project No. 70198-02 which provides for the preliminary design phase, as described herein, to improve SW 21st Street from the existing five lane section west of SW Wanamaker Road to the improvements at the SW Urish Road intersection and authorizing the same was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., for Improvement Project No. 70198-03 which provides for the preliminary design phase, as described herein, to improve SW 21st Street from the improvements at the SW Urish Road intersection to SW Indian Hills Road and authorizing the same was presented for first reading.

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner concerning the establishment of annual goals and objectives for the City Manager, and the establishment of a procedure for the evaluation of the performance of the City Manager, was presented for first reading.

Councilmember Alcalá moved to reconsider item 7B, an ordinance that would authorize a zoning change on property located at 2114 SW Seabrook Avenue. The motion seconded by Councilmember Ortiz carried. Councilmembers Haynes and Blackburn voted “no.” (7-2-0)

Councilmember Blackburn moved to refer the ordinance to the Economic and Community Development Committee. The motion seconded by Councilmember Haynes failed. Councilmembers Alcalá, Ortiz, Nave, Duffy, Preisner and Harmon voted “no.” (3-6-0)

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

Councilmembers Alcalá, Kennedy, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon declared exparte communications.

Councilmember Blackburn made a substitute motion to defer the ordinance until April 17, 2007. The motion was seconded by Councilmember Haynes.

Braxton Copley, Assistant City Attorney noted that public commit would not be allowed at the April 17, 2007 City Council meeting because the public hearing took place at the Planning Commission meeting.

Councilmember Haynes withdrew the second to the substitute motion.

The motion to adopt the ordinance failed. Councilmembers Alcalá, Kennedy, Ortiz, Nave, Haynes, Duffy, Preisner and Harmon voted “no.” (1-8-0)

The ordinance was not adopted on roll call vote as follows: Ayes: Blackburn -1. Noes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Preisner and Harmon -8.

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

Norton N. Bonaparte, Jr., City Manager announced that the Cypress Ridge Golf Course is currently offering a “2 for 1 Special” through April 2007; the Gage Park Carousel will open on the weekends only beginning March 28th; the “Tales of a 4th Grade Nothing” will open on March 30th at the Helen Hocker Theater; Project Makeover/Takeover 2007 will begin on March 31st; and the Kossover Tennis Center will open on April 1st.

Councilmember Kennedy stated that she would not be participating in the first phase of Project Makeover/Takeover due to a prior family commitment.

Councilmember Alcalá thanked everyone for their efforts in organizing this year’s Project Makeover/Takeover.

Councilmember Ortiz encouraged the community to participate in Project Makeover/Takeover.

Councilmember Duffy noted that last year only certain neighborhoods were eligible for Project Makeover/Takeover. He stated that in his opinion this year the City should consider encompassing all neighborhoods. He also questioned the marketing strategy of the Cypress Ridge Golf Course in offering a “2 for 1 Special” during prime golfing season.

Councilmember Preisner stated that he questions the information that was recently printed in a Topeka Capital-Journal Newspaper article. He explained that the article listed the amount of money the City has saved as a result of the implementation of the new Procurement Card (P-Card) Policy. He asked for verification on the dollar amount, and how the City plans to utilize the extra funds.

Brenna Duffy, Collin Duffy, Erin Duffy, Susan Duffy, Ted Mize and Ken Tolin appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:05 p.m.

Brenda Younger
Interim City Clerk