

Council Minutes – June 12, 2007

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 12, 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, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Pastor Mark William of Emerald Baptist Church, gave the invocation.

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

A PRESENTATION on the Riverfront Authority was presented by Mike Hayden, Riverfront Authority Board Chairman. He stated that they are seeking \$17,000 from the City, as well as, the County for the purpose of completing the Riverfront Development Master Plan.

Councilmember Alcalá moved to allocate \$17,000 to the Riverfront Authority Board. The motion seconded by Councilmember Haynes carried. Councilmembers Kennedy, Woelfel and Blackburn voted “no.” (6-3-0)

A PRESENTATION on the City of Topeka Information Technology Department was presented by Mark Biswell, Interim Information Technology Director.

Councilmember Blackburn requested that item 4A, a communication recommending an appointment to the Board of Zoning Appeals; and items 4B, 4C, and 4D, communications recommending re-appointments to the Topeka Planning Commission be pulled from the consent agenda for separate discussion.

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 18893 (*Contract No. 37486*) introduced by City Manager Norton N. Bonaparte, Jr., regarding a Contract Franchise Ordinance granted to Birch Telecom of Kansas,

Inc., a telecommunications local exchange service provider providing local exchange service within the City of Topeka, Kansas placed on first reading June 5, 2007 was again presented.

ORDINANCE NO. 18894 (*Contract No. 37487*) introduced by City Manager Norton N. Bonaparte, Jr., regarding a Contract Franchise Ordinance granted to Ionex Communications, Inc., a telecommunications local exchange service provider providing local exchange service within the City of Topeka, Kansas placed on first reading June 5, 2007 was again presented.

RESOLUTION NO. 7961 introduced by Councilmember Jeff Preisner granting David Tannen an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

Minutes of the regular meeting of June 5, 2007 were presented.

An Open After Midnight License application bearing the approval of the Chief of Police and City Inspectors for 20's West, L.L.C., located at 901 SW Fairlawn, was presented.

Councilmember Preisner moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Kennedy carried unanimously. (9-0-0)

A COMMUNICATION recommending the appointment of Fred Gatlin to the Board of Zoning Appeals for a three-year term that would expire on June 30, 2010 was presented.

Councilmember Haynes moved to approve the communication. The motion seconded by Councilmember Harmon carried. Councilmembers Kennedy, Woelfel and Blackburn voted "no." (6-3-0)

A COMMUNICATION recommending the re-appointment of Mark Boyd to the Topeka Planning Commission for a three-year term that would expire on June 30, 2010 was presented.

Councilmember Preisner moved to approve the communication. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

A COMMUNICATION recommending the re-appointment of Michelle Hoferer to the Topeka Planning Commission for a three-year term that would expire on June 30, 2010 was presented.

Councilmember Blackburn moved to approve the communication. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

A COMMUNICATION recommending the re-appointment of Ralph Skoog to the Topeka Planning Commission for a three-year term that would expire on June 30, 2010 was presented.

Councilmember Haynes moved to approve the communication. The motion was seconded by Councilmember Ortiz.

Councilmember Preisner stated that he would not support the re-appointment of Mr. Skoog because he believes there are other candidates who would better serve the Commission.

Councilmember Blackburn stated that he concurs with Councilmember Preisner.

The motion to approve the communication carried. Councilmembers Woelfel, Swank, Blackburn and Preisner voted “no.” (5-4-0)

Councilmember Kennedy moved to reconsider the motion to approve the communication. The motion seconded by Councilmember Harmon failed. Councilmembers Alcala, Woelfel, Haynes, Swank and Harmon voted “no.” (4-5-0)

Councilmember Swank moved to reconsider the motion to approve the communication. The motion seconded by Councilmember Preisner carried. Councilmembers Alcala, Ortiz, Haynes and Harmon voted “no.” (5-4-0)

The motion to approve the communication failed. Councilmembers Kennedy, Woelfel, Swank, Blackburn and Preisner voted “no.” (4-5-0)

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, June 12, 2007, at 6:00 P.M. for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Main Sanitary Sewer District No. 40932-00, authorized by Resolution No. 7610, adopted and approved April 19, 2005.

ORDINANCE NO. 18895 introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Main Sanitary Sewer District No. 40932-00 with piping, manholes, engineering and all other contingencies needed to complete Main Sanitary Sewer District No. 40932-00, as defined and described in Resolution No. 7610, adopted and approved April 19, 2005 placed on first reading June 5, 2007 was again presented.

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

Councilmember Blackburn moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

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, June 12, 2007, at 6:00 P.M. relating to the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No. 60611-03, authorized by Resolution No. 7764, adopted and approved March 7, 2006.

ORDINANCE NO. 18896 introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No.

60611-03 with pavement, curb and gutter and all other contingencies needed to complete the project as defined and described in Resolution No. 7764, adopted and approved March 7, 2006 placed on first reading June 5, 2007 was again presented.

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

Councilmember Blackburn moved to close the public hearing and adopt the ordinance.

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

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, June 12, 2007, at 6:00 P.M. relating to the vacation of a 20-foot wide utility easement and a 20-foot wide ingress/egress easement in Westlawn Addition located at the northeast corner of SW 10th Avenue and SW Lane Street.

ORDINANCE NO. 18897 introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 20-foot wide utility easement and a 20-foot wide ingress/egress easement in Westlawn Addition located at the northeast corner of SW 10th Avenue and SW Lane Street placed on first reading June 5, 2007 was again presented. (V07E/5)

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

Councilmember Ortiz moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

AN ORDINANCE introduced by Councilmembers Brett Blackburn, Lana Kennedy and Deborah Swank sitting as the Economic and Community Development Committee relating to contractors, masters, journeymen and apprentices licensing, amending Topeka City Code Section

30-62 and repealing said original section placed on first reading June 5, 2007 was again presented.

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

Mayor Bunten ruled that if the ordinance is referred to the Economic and Community Development Committee, the individuals signed up to speak to the issue would be allowed to do so at the committee meeting.

Councilmember Ortiz made a motion to appeal the ruling of the chair. The motion seconded by Councilmember Alcala carried. Councilmembers Blackburn and Preisner voted “no.” (7-2-0)

Thomas Simpson stated that he believes that the current lawn irrigation regulations are working, and a change could have a negative effect on independent contractors.

Councilmember Haynes asked if staff believes there is a need for a change in the current regulations.

Councilmember Woelfel asked if the Field Services Department has received any complaints relating to the current regulations.

Dave Lundry, Field Services Department stated that to his knowledge, they have not received any complaints.

Councilmember Preisner moved to refer the ordinance to the Economic and Community Development Committee. The motion seconded by Councilmember Blackburn carried. Councilmembers Alcala and Ortiz voted “no.” (7-2-0)

ORDINANCE NO. 18898 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 21, 2007, through May 27, 2007, 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 Kennedy carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

RESOLUTION NO. 7962 introduced by City Manager Norton N. Bonaparte, Jr., in accordance with Section 48-23a.03(f) of the Code of the City of Topeka, approving a Conditional Use Permit to establish an Automobile Service Station, Type II on property currently zoned "X-1" Mixed Use District and located at 1800 NE Seward Avenue in the City of Topeka, Kansas was presented. (CU07/1)

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

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

Councilmember Alcala stated that area residents have expressed concern with the maintenance of the grounds, and storage of tires.

Ricardo Arzate, applicant stated that the tires would be stored inside a wooden fence, or inside the building.

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

The motion to approve the resolution carried unanimously. (9-0-0)

ORDINANCE NO. 18899 introduced by City Manager Norton N. Bonaparte, Jr., designating real property more specifically described herein as an historic landmark and presently zoned "M-1" Two-Family Dwelling District and located at 1600 SW Harrison Street in

the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 placed on first reading June 5, 2007 was again presented. (HL07/3)

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

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

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18900 introduced by City Manager Norton N. Bonaparte, Jr., designating real property more specifically described herein as an historic landmark and presently zoned "M-3" Multiple-Family Dwelling District and located at 701 SW Topeka Boulevard in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 placed on first reading June 5, 2007 was again presented. (HL07/4)

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

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

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18901 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 northwest corner of SE 18th Street and SE Jefferson Street in the City of Topeka, Kansas from “M-1” Two Family Dwelling District to “I-1” Light Industrial District placed on first reading June 5, 2007 was again presented. (Z07/12A)

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

Councilmember Blackburn noted that the next three zoning cases to be considered on the agenda were related, and submitted by the same applicant. He asked why the applicant was required to pay three separate application fees, as opposed to one.

David Thurbon, Planning Director stated that all three zoning proposals were processed in the normal manner, and divided into three cases because the parcels are separated by streets. He also stated that separation of the cases, allows the Council the opportunity to vote on each proposal separately.

Councilmember Alcalá asked if the Council could have separated the zoning proposal into three separate portions if the applicant would have submitted the proposals as one case.

Braxton Copley, Assistant City Attorney stated that all zoning cases must be considered in their entirety, as submitted.

Councilmember Woelfel asked if a portion of the costs could be refunded to the developer.

Braxton Copley stated that a portion of the fees may be refunded at the discretion of City staff.

Councilmember Woelfel asked that staff consider refunding a portion of the application fees.

Councilmember Alcala cautioned against refunding the zoning application fees because it would be setting future precedence. He stated that he believes a City Refunding Policy needs to be in place to outline procedure.

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

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18902 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 18th Street and SE Jefferson Street in the City of Topeka, Kansas from "M-1" Two Family Dwelling District to "I-1" Light Industrial District placed on first reading June 5, 2007 was again presented. (Z07/12B)

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

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

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18903 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 south of SE 18th Street approximately 118 feet east of SE Madison Street in the City of Topeka, Kansas from “M-1” Two Family Dwelling District to “I-1” Light Industrial District placed on first reading June 5, 2007 was again presented. (Z07/12C)

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

Mayor Bunten asked if there were any exparte communications besides Councilmember Ortiz and Preisner. There were none declared.

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18904 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 2200 NW Brickyard Road in the City of Topeka, Kansas from “PUD” Planned Unit Development District (“I-1” use group) to “I-1” Light Industrial District placed on first reading June 5, 2007 was again presented. (Z07/13)

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

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

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18905 introduced by City Manager Norton N. Bonaparte, Jr., amending the Master PUD Plan of Arbor Valley Subdivision, by changing the maximum allowable dwelling units from 260 dwelling units (M-1a use group) to a maximum 300 dwelling units (204 dwelling units at M-1a use group and 96 dwelling units at M-2 use group) on property located at 6423 SW Huntoon Street in the City of Topeka, Kansas placed on first reading June 5, 2007 was again presented. (*PUD04/5B*)

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 Woelfel carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, 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 3420 SW Fairlawn Road in the City of Topeka, Kansas from "R-1" Single-Family Dwelling District to "PUD" Planned Unit Development District ("C-1", "O and I-1" and "M-1a" use groups) placed on first reading June 5, 2007 was again presented. (*PUD07/2*)

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

Exparte communications were declared by Councilmembers Kennedy, Alcala, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon.

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

Councilmember Blackburn stated that he supports the zoning change, and his decision is largely based on the law, and what is best for the community. He stated that he believes the applicant has gone the extra mile to meet the required conditions prior to approval. He also stated that he believes the Council should base their decision on facts, not emotions.

David Thurbon, Planning Director stated that the developer worked hard to meet the conditions set forth by the Planning Department and the Planning Commission.

Councilmember Alcala raised a point of order. He asked if the conditions that have been set forth by the Planning Department and the Planning Commission creates a liability for the City.

Braxton Copley, Assistant City Attorney suggested that staff clarify exactly how many conditions the applicant was required to meet.

David Thurbon, Planning Director stated that in his opinion, all 23 conditions set forth by the Planning Department and the Planning Commission have been met by the developer.

Councilmember Haynes expressed concern with the legal ramifications regarding denial, or approval of the zoning proposal.

Braxton Copley stated that the Council should base their decision on what is reasonable and right, and make their own objective determination based on the factors listed in the *Golden vs. the City of Overland Park Kansas* Supreme Court case.

Councilmember Kennedy asked for a brief overview of the factors.

Braxton Copley explained the following Golden Case Factors:

- (1) The character of the neighborhood;
- (2) The zoning and uses of properties nearby;
- (3) The suitability of the subject property for the uses to which it has been restricted;
- (4) The extent to which removal of the restrictions will detrimentally affect nearby property;
- (5) The length of time the subject property has remained vacant as zoned; and
- (6) The relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner; and
- (7) Recommendations of the permanent or professional staff; and
- (8) Conformance of the requested change to the adopted or recognized master plan being utilized by the city.

Mayor Bunten stated that he clearly understands the basis of the Planning Department and the Planning Commission's recommendation for approval. He asked if the Council's decision should be impacted by the overwhelming objection of the neighborhood residents' to the project.

In response, Braxton Copley cited the *Taco Bell vs. City of Mission Kansas* Supreme Court case which cited the *Waterstradt* Supreme Court case that "zoning is not to be based upon a plebiscite of the neighbors, and although their wishes are to be considered, the final ruling is to be governed by consideration of the benefit or harm involved to the community at large."

Councilmember Woelfel noted that the Planning Department, as well as, the Planning Commission based their decision on the evaluation of the case factors.

The motion to adopt the ordinance failed. Councilmembers Alcalá, Ortiz, Haynes and Harmon voted "no." (5-4-0)

Braxton Copley stated that protest petitions were filed against the zoning proposal. He explained that because the extent of the protest exceeded 20% of the notification area, a super

majority vote of seven affirmative votes of the Council is required to override the protest petition, and approve the zoning proposal.

Councilmember Alcalá moved to adjourn into executive session for time period not to exceed five minutes to discuss a legal matter. The motion seconded by Councilmember Harmon carried. Councilmember Kennedy voted “no.” (8-1-0)

Councilmember Woelfel moved to extend the executive session for an additional ten minutes. The motion seconded by Councilmember Haynes carried. Councilmember Alcalá was out of the room. (8-0-0)

Following a fifteen minute time period, the Council reconvened into open session and Mayor Bunten announced that no action had been taken.

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 north of SW Huntoon Street and east of SW Kingsrow Road (proposed) in the City of Topeka, Kansas from “O&I-1” Office and Institutional District to “PUD” Planned Unit Development District (RA-1, M-1a, O&I-1 and C-2 use groups) was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 70142-03, Part B which provides for the reconstruction and widening of California Avenue including the upsizing of a waterline which constitutes 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 for 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. 18752 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of not to exceed \$5,180,000 aggregate principal amount of Combined Utility Improvement and Refunding Revenue Bonds, Series 2007-B, of the City of Topeka, Kansas, under the authority of K.S.A. 10-116a and K.S.A. 10-1201 et seq., and all amendments thereto was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of not to exceed \$2,090,000 aggregate principal amount of Taxable Combined Utility Improvement Revenue Bonds, Series 2007-C, of the City of Topeka, Kansas, under the authority of K.S.A. 10-1201 et seq., and all amendments thereto was presented for first reading.

AN ORDINANCE introduced by Mayor William Bunten concerning the mayor's line-item veto authority over appropriation items, amending City of Topeka Code 2-32 and repealing said original section was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager announced upcoming community events.

Councilmember Ortiz asked when the Gage Park mini-train would be repaired. She invited the community to attend the dedication of the Great Memorial Wall on Saturday, June 16, 2007 at 1:00 p.m. located at the intersection of S.W. 20th and Western Streets.

Norton N. Bonaparte, Jr., stated that the Gage Park mini-train is in the process of being repaired, and the public would be notified as soon as the repairs are complete.

Mayor Bunten asked for an update on the amount of revenue that was generated from the Heartland Park Race event held last weekend.

John Ulmer and Loretta Carman appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:55p.m.

Brenda Younger
City Clerk