

Council Minutes – June 19, 2007

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 19, 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, Reverend David Schemm of the Christ Lutheran Church gave the invocation.

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

A PRESENTATION on the Community Needs Assessment was given by Nancy Perry, Greater Topeka United Way CEO.

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION recommending the re-appointment of Neta Jeffus to the Topeka Metropolitan Transit Authority Board for a term that would expire on June 30, 2011 was presented.

A COMMUNICATION recommending the appointment of David Hedstrom to the Topeka Parks and Recreation Advisory Board to fill an unexpired term that would end on February 28, 2008 was presented.

A COMMUNICATION recommending the re-appointment of James Lagerberg to the Washburn University Board of Regents for a term that would expire on June 30, 2011 was presented.

RESOLUTION NO. 7965 introduced by Councilmember Jack Woelfel granting Guadalupe Gastelum 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 12, 2007 were presented.

Open After Midnight License applications bearing the approval of the Chief of Police and City Inspectors was presented for the following:

<u>Name</u>	<u>Address</u>
The Car Wash	1814 SW 10 th Street
The Car Wash	720 Gage

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

ORDINANCE NO. 18906 introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of not to exceed \$5,210,000 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 placed on first reading June 12, 2007 was again presented.

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

Jim Langford, Budget and Finance Director stated that the issuance of the bonds would refund \$2,010,000 for the August 1, 2007 principal maturities of the City's previously issued outstanding revenue bonds; and the remaining proceeds would pay a portion of the costs of making certain infrastructure improvements, as well as, the cost of issuing the bonds.

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, Alcalá, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

RESOLUTION NO. 7963 introduced by City Manager Norton N. Bonaparte, Jr., prescribing the form and details of Combined Utility Improvement and Refunding Revenue

Bonds, Series 2007-B of the City of Topeka, Kansas, in the aggregate principal amount of \$5,210,000 the issuance of which was authorized by the City pursuant to its Ordinance No. 18906 passed and approved June 19, 2007; and authorizing certain other documents and actions in connection with the issuance of the bonds was presented.

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

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

ORDINANCE NO. 18907 introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of not to exceed \$2,140,000 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 placed on first reading June 12, 2007 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. (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. 7964 introduced by City Manager Norton N. Bonaparte, Jr., prescribing the forms and details of Taxable Combined Utility Improvement Revenue Bonds, Series 2007-C of the City of Topeka, Kansas, in the principal amount of \$2,140,000 the issuance of which was authorized by the City pursuant its Ordinance No. 18907 passed and approved June 19, 2007; and authorizing certain other documents and actions in connection with the issuance of the bonds was presented.

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

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

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 placed on first reading June 12, 2007 was again presented.

Mayor William Bunten referenced a memorandum he sent the Council on June 8, 2007 explaining why he believes the ordinance is necessary. He stated that the ordinance would allow the Mayor to exercise line-item veto authority over all matters of appropriation ordinances, including motions adopted during a Council or Committee of the Whole meeting, which increases or decreases appropriations proposed by the City Manager, and are to be included in the final adopted City operating budget. He also stated that in his opinion, the ordinance would authorize what the charter ordinance already allows.

Councilmember Haynes moved to adopt the ordinance. The motion seconded by Councilmember Alcala failed. Councilmembers Kennedy, Woelfel, Swank, Blackburn, Preisner and Harmon voted "no." (3-6-0)

RESOLUTION NO. 7966 introduced by City Manager Norton N. Bonaparte, Jr., pursuant to City of Topeka Code Section 130-377 concerning sidewalk repairs at locations more specifically described hereinafter was presented.

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

Councilmember Ortiz asked if property owners were offered financial assistance through the 50/50 program. She also asked what other financial options are available to the property owners who cannot afford to participate in the program.

Mike Teply, Public Works Director stated that the resolution is a result of complaints received from residents. He also stated that all property owners included on the list were notified and asked to participate in the 50/50 program. He noted that no one has responded to the offer.

Norton N. Bonaparte, Jr., City Manager stated that the City is moving forward with the project because the sidewalks have become a safety issue.

Brenden Long, City Attorney stated that property owners are obligated to maintain their sidewalks pursuant to city code. He stated that the resolution is the City's last step in beginning the repair process of the sidewalks and does not preclude the property owners from taking part in the 50/50 program at any time during the process.

Councilmember Woelfel asked how property owners qualify and participate in the 50/50 program, once the repairs are made.

Mike Teply stated that provided property owners meet the qualifications, and there is money available, they would be eligible.

Councilmember Kennedy asked what bid process was used to determine sidewalk repair costs.

Brenden Long stated that the City collected bids through the normal bid process. He explained that the repair costs range from \$109 to several thousands of dollars, and generally the property owner is allowed to pay for the assessment through installments with interest.

Councilmember Kennedy stated that she received a complaint by a constituent relating to the excessive amount it would cost to repair their sidewalk. She requested that she meet with City Staff and the property owner to discuss the bid process, and how the cost was determined.

Mike Teply offered to meet with Councilmember Kennedy, and the property owner to discuss the procedure used to assess sidewalk repair costs. He noted that the Public Works Department coordinates the 50/50 program.

Councilmember Kennedy asked if the City is replacing just the damaged sections, or the entire sidewalk.

Mike Teply replied that only the damaged sections would be repaired.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Woelfel carried. Councilmember Ortiz voted “no.” (8-1-0)

A PROJECT BUDGET in the amount of \$150,000 and RESOLUTION NO. 7967 introduced by City Manager Norton N. Bonaparte, Jr., relating to and authorizing Project No. 30278-00 which provides for the African Canid/Hyena Exhibit as more specifically described herein was presented.

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

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

ORDINANCE NO. 18908 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.

ORDINANCE NO. 18909 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) placed on first reading June 12, 2007 was again presented.

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

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.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., regarding a Contract Franchise Ordinance granted to dPi Teleconnect, 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 Navigator Telecommunications, 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 Councilmember John Alcala removing certain portions of NE Atchison and NE Chandler from the right-of-way to allow the sale, consumption and possession of alcoholic liquor as part of the Fiesta Mexicana, at specified locations and times was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcala, removing a certain portion of Quincy Street from the right-of-way to allow the sale, consumption and possession of alcoholic liquor as part of the Fiesta Mexicana parade and street dance, at specified locations and times was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 14122, which provides for replacing traffic signal, sidewalk, and ramp work at the intersection of SW Clontarf and Burlingame, 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., authorizing Improvement Project No. 14123, which provides for replacing traffic signal, sidewalk, and ramp work at the intersection of US-24 and North Kansas Avenue, 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., authorizing Improvement Project No. 14124, which provides for replacing traffic signal, sidewalk, and ramp work at the intersection of SW Topeka Boulevard and 24th 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.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 14125, which provides for replacing traffic signal, sidewalk, and ramp work at the intersection of SW Gage and SW 29th 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.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Street Improvement Project No. 70190-01, Part B, which provides for the reconstruction of E. 6th Street to five lanes wide between Golden Avenue and Market Street, as more specifically described herein, pursuant to Section A12-1 of the Code of the City of Topeka, and repealing City of Topeka Ordinance No. 18516 was presented for first reading.

AN ORDINANCE 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 Waterline Extension Project No. 28571-00, as defined and described in Resolution No. 7512, adopted and approved August 24, 2004 was presented for first reading.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of an alley in the Original Town of Topeka, Shawnee County, Kansas 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. He thanked Fire Chief Howard Giles, Deputy Fire Chief David Sterbenz, Police Chief Ron Miller

and those who assisted in the Greensburg, Kansas disaster efforts. He noted that the City Manager of Greensburg has expressed his appreciation for all the help they have received.

Councilmember Alcalá stated that he attended the Firefighters Ops 101 Training with the City Manager and Councilmember Ortiz. He commended the firefighters involved with the training and stated that he believes it was a great learning experience.

Councilmember Ortiz stated that she believes the Firefighter Ops 101 Training was a good learning experience. She commended the firefighters who assisted with the training.

Councilmember Woelfel announced that the annual Hero's Behind the Badges Battle for Blood event will be held during the week of June 18th. He encouraged everyone to participate.

Councilmember Swank commended the City Manager for his professionalism during the 2008 department budget presentations.

Councilmember Preisner asked the Council to consider hiring an ADA Code Compliance Officer to ensure enforcement throughout the city. He noted that money would need to be set aside in the 2008 budget to fund the new position.

Councilmember Ortiz announced that the Public, Health and Safety Committee meeting would be held on June 21, 2007 at 4:00 p.m. in the City Council office.

Mayor Bunten asked if the City has received the financial information he requested two weeks ago regarding the amount of revenue that was generated at the June 2, 2007 Heartland Park racing event.

Jim Langford, Budget and Finance Director noted that he has attempted to contact Heartland Park Officials several times and received no response. He stated that he would forward the information to Mayor Bunten as soon as it becomes available.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:20 p.m.

Brenda Younger
City Clerk