

## **Council Minutes – July 10, 2007**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 10, 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, and Harmon -8. Mayor Buntten presided -1. Absent: Councilmember Preisner -1.

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

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

A PRESENTATION on the Enterprise Resource Planning (ERP) system was presented by Mark Biswell, Interim Information Technology Director and Sherry Schoonover, ERP Project Manager.

THE CONSENT AGENDA was presented as follows:

A FINAL PLAT for Laird Beier Subdivision located at 4031 SE Shawnee Heights Road, outside the City's Municipal Service Area and within the City's three-mile extraterritorial, all being within unincorporated Shawnee County, Kansas was presented. (P07/13)

ORDINANCE NO. 18929 (*Contract No. 37559*) introduced by City Manager Norton N. Bonaparte, Jr., adopting a six month extension of the franchise for Southwestern Bell Telephone L.P. d/b/a AT & T Kansas placed on first reading June 26, 2007 was again presented.

Minutes of the regular meeting of June 26, 2007 were presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for In A Pinch located at 706 Fairlawn, was presented.

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

## 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, July 10, 2007, at 6:00 P.M. relating to the advisability of the establishment of a redevelopment district for the East Gate Project area in the approximate vicinity of 15th and Adams in Topeka, Kansas, pursuant to K.S.A. 12-1770 et. seq.

ORDINANCE NO. 18923 introduced by City Manager Norton N. Bonaparte, Jr., establishing a tax increment finance (TIF) Redevelopment District at or about the area of 15<sup>th</sup> and Adams in Topeka, Kansas pursuant to K.S.A. 12-1773, et seq., as amended, placed on first reading June 26, 2007 was again presented.

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

John Brown, J & J Companies appeared to answer questions. He gave a brief overview of the East Gate Redevelopment District Project, as well as, other TIF projects they have established. He also thanked Councilmembers Ortiz and Woelfel for allowing him to participate in the Neighborhood Improvement Association meetings.

Councilmember Ortiz asked if the developer plans to use eminent domain to acquire property for the project.

John Brown stated that they would not use eminent domain.

Councilmember Ortiz commended Mr. Brown for his professionalism and stated she would support the ordinance.

Neil Dobler, Bartlett & West Engineers noted that the developer is not asking to use General funds or Capitol Improvement Project funds.

Councilmember Haynes asked if an agreement has been reached with the property owner who does not want to move or sale their home.

John Brown stated that an agreement has not been reached with the property owner. He also stated that if the property was in compliance with City code he would have no desire to obtain the property.

Matthew Gough, Barber Emerson L.C., attorney representing the developer, appeared to answer questions. He gave a brief overview of the nine statutory factors that must be considered when determining a blighted area. He explained that seven of the nine factors exist within the proposed East Gate Redevelopment District.

Councilmember Woelfel asked how the project would be affected if any of the seven factors were corrected.

Matthew Gough stated that there would have to be a significant change in the criteria to effect the project, and in his opinion, it is highly unlikely that the problems will be corrected.

Councilmember Alcalá stated that he would support the ordinance because he believes the area is ideal for developing a TIF district.

Councilmember Woelfel asked if improvements would need to be made to Adams Street to accommodate the project.

Neil Dobler stated that street improvements would not be necessary because Adams Street is an arterial street, and in good shape.

Yvonne May, area resident stated that she believes the information stated in the blight study is misleading and believes that the proposed TIF district does not have any more trash, or blight, than other areas of the city.

Councilmember Kennedy stated that she would support the ordinance. She also expressed appreciation to the developer for investing in the City, and improving the community.

Councilmember Kennedy moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Ortiz carried. Councilmember Haynes voted “no.” (7-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Swank, Blackburn, and Harmon -7. Noes: Haynes -1. Absent: Preisner -1.

#### 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, July 10, 2007, at 6:00 P.M. relating to vacation request V07A/5 by El Shaddai Ministries to vacate a portion of a platted alley right-of-way in Irving Place Subdivision, City of Topeka, Shawnee County, Kansas.

ORDINANCE NO. 18924 introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a portion of a platted alley right-of-way in Irving Place Subdivision located north of SE 10th Avenue between SE Carnahan Avenue and SE Sherman Avenue, City of Topeka, Shawnee County, Kansas placed on first reading June 26, 2007 was again presented. (V07A/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 Kennedy carried unanimously. (8-0-0)

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

ORDINANCE NO. 18925 introduced by City Manager Norton N. Bonaparte, Jr., annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, generally located West of SW Wanamaker Road, approximately 650-feet south of the intersection of SW 43<sup>rd</sup> Terrace and SW Wanamaker Road within unincorporated Shawnee

County, Kansas, and contiguous to the City of Topeka corporate limits, and said land being annexed for all City purposes placed on first reading June 26, 2007 was again presented. (A07/1)

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

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

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

A PROJECT BUDGET in the amount of \$130,000 and ORDINANCE NO. 18926 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 24<sup>th</sup> Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading June 26, 2007 was again presented. The project budget and ordinance was deferred from the meeting of June 26, 2007.

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

Linda Voss, City Traffic Engineer stated that the primary study was based on the age of the traffic signals, and the stress on the steel arm masts of the traffic signal poles.

Councilmember Harmon asked if the City has asked area schools to assist with the expense of the new traffic signals that incorporate school crossings.

Brenden Long, City Attorney stated that they could attempt to contact the schools, however, they would not be obligated to contribute because the signals are City property, located on City streets.

Councilmember Ortiz asked if a traffic study has been conducted on the intersection located at SE 21<sup>st</sup> Street and Fillmore. She expressed concern for the safety of school children.

Linda Voss stated that the area was studied a couple of years ago, and it was determined that the intersection did not need a traffic signal. She explained that currently a flashing beacon, a school crossing zone, and a reduced speed limit sign is posted in the area. She stated that she would conduct a traffic study on the intersection and determine if the need for a traffic signal has changed.

Mayor Bunten stated that he believes curbs and gutters should be the main priority, not replacing aging traffic signals that still work.

Councilmember Woelfel moved to approve the project budget and adopt the ordinance. The motion was seconded by Councilmember Swank.

Councilmember Woelfel inquired on the technology and compatibility of the new signals.

Linda Voss stated that they are currently working to replace aging traffic signals so that all traffic signals are compatible.

Councilmember Haynes suggested that they refer the project budget and ordinance to the Public, Health and Safety Committee to allow time for staff to contact area schools and ask for financial assistance.

Norton N. Bonaparte, Jr., stated that they would contact the schools.

Councilmember Haynes made a substitute motion to refer the ordinance to the Public, Health and Safety Committee. The motion seconded by Councilmember Harmon failed. Councilmembers Kennedy, Alcala, Ortiz, Woelfel, and Swank voted “no.” (3-5-0)

The motion to approve the project budget and adopt the ordinance carried.

Councilmembers Blackburn and Harmon voted “no.” (6-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Woelfel, Haynes, and Swank -6. Noes: Blackburn and Harmon -2. Absent: Preisner -1.

A PROJECT BUDGET in the amount of \$200,000 and A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., relating to and authorizing Project No. 13157-00 which provides for the various projects for City Hall which includes Topeka Performing Arts Center, Municipal Court, Law Enforcement Center and Cyrus K. Holliday Building as more specifically described herein.

Norton N. Bonaparte, Jr., City Manager asked that the project budget and resolution be deferred for one week, as requested by staff.

Councilmember Ortiz moved to defer the project budget and the resolution for one week. The motion was seconded by Councilmember Kennedy.

Councilmember Blackburn requested that the projects and the budget amounts be listed separately.

Councilmember Alcala questioned the reason for deferral.

Brenden Long, City Attorney stated that due to a technical problem the electronic version of the project budget could not be viewed by the Council or the public, therefore, in his opinion the project should be deferred one week to allow the Council time to make an informed decision.

Councilmember Woelfel asked if the bid included the cost of both City and County upgrades.

Mike McGee, Deputy Public Works Director stated that the bid quote included the cost of upgrades and repairs for both City and County buildings. He also stated that the maintenance of City Hall, as well as, making sure it is ADA compliant is the main priority. He noted that making the repairs and upgrades now, would save the City money later.

The motion to defer the project budget and the resolution for one week carried unanimously. (8-0-0)

ORDINANCE NO. 18927 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of June 11, 2007, through June 17, 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 Haynes carried unanimously. (8-0-0)

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

ORDINANCE NO. 18928 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of June 18, 2007, through June 24, 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 Haynes carried unanimously. (8-0-0)

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

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., designating real property more specifically described herein as an historic landmark and presently zoned “C-5” Downtown Commercial District and located at 915-917 S. Kansas Avenue in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 was presented for first reading.

*(HL07/05)*

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., designating real property more specifically described herein as an historic landmark and presently zoned “C-



4" Commercial District and located at 506 and 510 SW 10th Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 was presented for first reading.

*(HL07/06)*

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of platted 15-foot wide water line easements located about 190-feet west of SW Wanamaker Road and about 335-feet north of SW 30th Terrace, City of Topeka, Shawnee County, Kansas was presented for first reading. *(V07E/8)*

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 proposing zoning on property located northeast of the intersection between the on/off ramp to Interstate-470/Kansas Turnpike and SW Topeka Boulevard within the City of Topeka, Kansas TO “C-4” Commercial District was presented for first reading. *(Z07/16)*

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 1825 SW 37<sup>th</sup> Street in the City of Topeka, Kansas from “O&I-1” Office and Institutional District TO “M-2” Multiple Family Dwelling District was presented for first reading. *(Z07/14)*

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 all pursuant to Section A12-1 of the Code of the City of Topeka, 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.

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

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

Councilmember Kennedy welcomed the participants of the Sunflower State Games to the City of Topeka.

Councilmember Alcalá asked for an update on who authorized the tree in front of Marion Lane Candles located at 713 S. Kansas Avenue to be cut down. He also asked for an update on the City-County Parks and Recreation Department consolidation report that is being reviewed by staff.

Norton N. Bonaparte, Jr., stated that he would provide Councilmember Alcalá with the information regarding the tree. He noted that staff is still in the process of reviewing the consolidation report. He stated that he would contact Councilmember Alcalá with staff recommendations as soon as they become available.

Councilmember Ortiz announced that TARC is providing free paper shredding next week. She also announced that Topeka Public Schools USD 501 is hosting a Superintendent Profile Public Forum for the purpose of allowing public input on selecting a new Superintendent.

She stated that the forum would be held at the Topeka High School cafeteria on Wednesday, July 11, 2007 at 7:00 p.m.

Councilmember Haynes commended Mayor Bunten for exercising his veto authority on the resolution that would have authorized the purchase of a new Police Department helicopter.

Councilmember Blackburn stated that he opposes the veto because crime statistics show that the overall crime rate of cities decrease if patrolled by a helicopter on a full-time basis.

Councilmember Alcalá invited the public to attend the 74th Annual Fiesta Mexicana Celebration. He stated that the week long celebration would begin on Monday, July 17, 2007 and end on Friday, July 21, 2007.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:53 p.m.

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Brenda Younger  
City Clerk