

Council Minutes – October 2, 2007

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 2, 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, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Councilmember Harmon asked for a moment of silent meditation.

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

A PRESENTATION on the Community Visioning Process was presented by Roger Viola, Topeka Community Foundation. He stated that they are in the process of raising \$600,000 for their vision and asked for a donation of \$30,000 from the City.

Norton N. Bonaparte, Jr., City Manager asked the Council if they would like to consider Mr. Viola's request this evening or at a later date. He stated that the funding is available for FY 2007; however, he would recommend that they consider the request again next year, due to the upcoming budget constraints for FY 2008.

Councilmember Preisner moved to allocate \$30,000 to the Topeka Community Foundation for the Community Visioning Process for FY 2007. The motion seconded by Councilmember Harmon carried. Councilmembers Woelfel and Blackburn voted "no." Councilmember Haynes abstained. (6-2-1)

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8001 introduced by Councilmember Deborah Swank granting Washburn University an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions, was presented.

Minutes of the regular meeting of September 25, 2007 were presented.

Open After Midnight License applications bearing the approval of the Chief of Police and City Inspectors for Rendezvous Grille located at 705 S. Kansas Avenue, and Tailgators Sports Pub & Grub located at 2025 SW Urish Road, Suite #108, were presented.

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

A COMMUNICATION approving the real estate reports and the method of disposal of fourteen vacant parcels that have been declared surplus real property by all City departments was presented.

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

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

A COMMUNICATION approving the real estate reports and the method of disposal of two vacant parcels that have been declared surplus real property by all City departments, was presented.

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

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

A COMMUNICATION authorizing settlement of claim by Mt. Carmel Baptist Church against the City of Topeka, was presented.

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

Councilmember Ortiz distributed pictures of the damages the church sustained from the sewer backup. She stated that the sewer problem has existed for years and members of the

congregation have dealt with the problem on their own; however, the recent damages sustained were so great that they are requesting financial assistance.

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

Councilmember Harmon stated that he would abstain from voting on the communication because of his long-term personal and professional association with the congregation.

Councilmember Haynes stated that he supports the recommendation of City staff that the damages sustained to the church were not the fault of the City. He noted that the sewer lines are compliant with the State of Kansas requirements.

Councilmember Alcala noted that the congregation has asked for assistance in the past due to damages sustained from sewer back up; however, the church has not officially documented the damages in the form of a claim. He also stated that he would support the request because there are other factors that need to be considered.

The motion to approve the communication failed. Councilmembers Kennedy, Woelfel, Haynes, Swank, Blackburn and Preisner voted “no.” Councilmember Harmon abstained.

(2-6-1)

Councilmember Alcala moved to approve the amount needed to reimburse the church for clean-up expenses. The motion was seconded by Councilmember Ortiz.

Brenden Long, City Attorney stated that they do not have the exact clean-up costs at this time.

Councilmember Alcala requested that the motion be deferred for one week to allow City staff time to research the exact amount disbursed for clean-up expenses.

Councilmember Alcalá made a substitute motion to defer the motion to consider the payment of clean-up expenses for one week. Councilmember Blackburn and Preisner voted “no.” (7-2-0)

Councilmember Alcalá requested a written explanation from the Legal Department regarding denial of the claim.

RESOLUTION NO. 8002 introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property interests for Street Improvement Project No. 60619-00 which provides for paving certain streets located in Horseshoe Bend Subdivision and Sewer Improvement Project No. 40936-01 which provides for sanitary sewer service to Horseshoe Bend Subdivision, 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)

ORDINANCE NO. 18970 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 10, 2007, through September 16, 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 Preisner 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.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property interests for Sewer Improvement Project No. 40936-01 which provides for sanitary sewer service to Horseshoe Bend Subdivision and Street Improvement Project No. 60619-00 which provides for paving certain streets located in Horseshoe Bend Subdivision was presented for first reading.

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 1507, 1515 and 1517 East 6th Avenue from "X-1" Mixed Use District TO "C-4" Commercial District was presented for first reading. (Z07/17)

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 at 103 NW Elm Row Avenue from "M-1" Two Family Dwelling District TO "O&I-2" Office and Institutional District was presented for first reading. (Z07/18)

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 1025, 1029 and 1035 SW Wanamaker Road from "R-1" Single-Family Dwelling District, "O&I-1" Office and Institutional District and "C-4" Commercial District ALL TO "C-2" Commercial District was presented for first reading. (Z07/19)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 14127, which provides for replacing traffic signal at Washburn Avenue

and 17th 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 City of Topeka Code Section 142-152 concerning amendments to the Standard Traffic Ordinance, and specifically repealing said original code section and City of Topeka Ordinance No. 18806 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., creating City of Topeka Code Section 142-195 regarding the operation of work-site utility vehicles on the streets within the corporate limits of the City of Topeka 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 that he has scheduled a meeting with Fire Chief Howard Giles and members of the IAFF Local Union No. 83 on Wednesday, October 3, 2007 to discuss the issues raised by the Fire Department. He noted that he has requested the presence of an impartial third-party mediator to attend the meeting. He also announced upcoming community events.

Councilmember Blackburn commended City staff for initiating the disposal of City surplus properties and encouraged staff to continue moving forward with the process on other similar properties.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:53 p.m.

Brenda Younger
City Clerk