

Council Minutes – October 9, 2007

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 9, 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 and Preisner -8. Mayor Bunten presided -1. Absent: Councilmember Harmon -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.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8003 introduced by Councilmember Lana Kennedy granting St. John's Lutheran Church an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions, was presented.

RESOLUTION NO. 8004 introduced by Councilmember Lana Kennedy granting Topeka Natural Food Co-Op an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions, was presented.

RESOLUTION NO. 8005 of the City of Topeka naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatures and rescinding City of Topeka Resolution No. 7958 was presented.

RESOLUTION NO. 8006 introduced by City Manager Norton N. Bonaparte, Jr., concerning the City of Topeka's participation in the State of Kansas Municipal Investment Pool and rescinding City of Topeka Resolution No. 7445 was presented.

Minutes of the regular meeting of October 2, 2007 were presented.

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

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

Randy Speaker, Deputy City Manager gave the staff report and stated that the communication was disapproved on October 2, 2007. He also stated that a motion to consider the payment of clean-up expenses was deferred from the meeting of October 2, 2007.

Councilmember Alcalá moved to approve \$4,119.41 for clean-up expenses. The motion was seconded by Councilmember Ortiz.

Braxton Copley, Assistant City Attorney stated that the Legal Department recommended disapproval because the City was not liable for the flood damages, and approval would not be consistent with past practices.

The motion to approve \$4,119.41 for clean-up expenses failed. Councilmembers Kennedy, Woelfel, Haynes, Swank, Blackburn and Preisner voted “no.” (2-6-0)

ORDINANCE NO. 18971 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 placed on first reading October 2, 2007 was again presented.

Randy Speaker, Deputy City Manager gave the staff report.

Vernon Jarboe, attorney representing the applicant stated that the applicant requested imminent domain to help resolve property title issues.

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

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

ORDINANCE NO. 18972 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 placed on first reading October 2, 2007 was again presented.

Randy Speaker, Deputy City Manager gave the staff report.

Councilmember Preisner moved to 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 Preisner -8. Absent: Harmon -1.

ORDINANCE NO. 18973 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 placed on first reading October 2, 2007 was again presented.

Randy Speaker, Deputy City Manager gave the staff report.

Councilmember Preisner moved to 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 Preisner -8. Absent: Harmon -1.

A PROJECT BUDGET in the amount of \$180,000 and ORDINANCE NO. 18974 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 placed on first reading October 2, 2007 was again presented.

Randy Speaker, Deputy City Manager gave the staff report.

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

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

RESOLUTION NO. 8007 introduced by City Manager Norton N. Bonaparte, Jr., in accordance with Section 48-21.02(c)(3) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a correctional placement residence or facility general on property currently zoned "I-2" Heavy Industrial District and located at 818 SE Adams Street in the City of Topeka, Kansas was presented. (CU07/6)

Randy Speaker, Deputy City Manager gave the staff report.

Shawn Leisinger, Assistant Shawnee County Counselor spoke in support of the work-release facility. He stated that the new facility would free-up maximum security space and would be more economical than expanding the current maximum security building.

Councilmember Ortiz commended the County for the project.

Councilmember Kennedy moved to approve the resolution. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

ORDINANCE NO. 18975 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 17, 2007, through September 23, 2007, and enumerating said expenditures therein was presented for first and final reading.

Randy Speaker, Deputy City Manager gave the staff report.

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

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

ORDINANCE NO. 18976 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 placed on first reading October 2, 2007 was again presented. (Z07/17)

Randy Speaker, Deputy City Manager gave the staff report.

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

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

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

ORDINANCE NO. 18977 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 placed on first reading October 2, 2007 was again presented. (Z07/18)

Randy Speaker, Deputy 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 Ortiz carried unanimously. (8-0-0)

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

ORDINANCE NO. 18978 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 placed on first reading October 2, 2007 was again presented. (Z07/19)

Randy Speaker, Deputy City Manager gave the staff report.

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

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

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

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a platted utility easement in Jefferson Square Subdivision No. 2 located at the southwest corner of SE Quincy Street and SE Lakewood Boulevard, City of Topeka, Shawnee County, Kansas, was presented for first reading. (V07E/11)

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

Randy Speaker, Deputy City Manager announced upcoming Neighborhood Improvement Association meetings and community events.

Councilmember Alcalá announced that he received a protest petition from the Rolling Meadows Neighborhood Association and families of Southeast Topeka requesting the Council to adopt the original California Avenue Improvement Plan. He stated that they oppose the proposed 37th Street and California Avenue roundabout.

Councilmember Ortiz announced that there would be an East End Neighborhood Improvement Association meeting on October 10, 2007. She requested that the community calendar on the City's website be updated to include all NIA meeting announcements. She also announced that the Topeka Fire Department would host Open House events the week of October 7, 2007 through October 13, 2007. She encouraged the community to attend.

Councilmember Haynes stated that he received complaints from residents located near Sabitini Park expressing opposition to the 37th Street and California Avenue roundabout and the effect it would have on the area.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:45 p.m.

Brenda Younger
City Clerk