

Council Minutes – December 4, 2007

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 4, 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, Swank, Blackburn, Preisner and Harmon -8. Mayor Bunten presided -1. Absent: Councilmember Haynes -1.

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

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

A PRESENTATION on the Law Enforcement Partnership Panel by Rio Cervantes-Reed, Human Relations Commission Director, was presented.

Councilmember Blackburn moved to suspend the Council Rules to add a communication approving the lease purchase of a helicopter for the Police Department to the agenda. The motion seconded by Councilmember Swank carried. Councilmember Alcala voted “no.” (7-1-0)

Councilmember Kennedy moved to reinstate the Council Rules. The motion seconded by Councilmember Swank carried. Councilmember Alcala voted “no.” (7-1-0)

Mayor Bunten noted that the communication would be placed on the agenda under New Business as item 6C.

THE CONSENT AGENDA was presented as follows:

Minutes of the regular meeting of November 27, 2007 were presented.

2008 Cereal Malt Beverage License applications bearing the approval of the Chief of Police and City Inspectors for the following were presented:

<u>Name</u>	<u>Address</u>
CSC #69	3830 SW 29 th Street
Cypress Ridge Golf Course	2533 SW Urish Road
Godfather Pizza	5300 W 17 th Street

Councilmember Preisner moved to approve the consent agenda. The motion seconded by Councilmember Ortiz 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, December 4, 2007, at 6:00 P.M. relating to vacation request V07E/15 by Hy-Vee, Inc., requesting to vacate a portion of a drainage easement and a sanitary sewer easement located west of SW Wanamaker Road between SW 29th Street and SW 30th Terrace in Wanamaker West Subdivision No. 3, City of Topeka, Shawnee County, Kansas.

ORDINANCE NO. 19004 introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of a sanitary sewer easement and a portion of a drainage easement in Wanamaker West Subdivision No. 3 located west of SW Wanamaker Road between SW 29th Street and SW 30th Terrace, City of Topeka, Shawnee County, Kansas placed on first reading November 27, 2007 was again presented. (V07E/15)

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

Councilmember Preisner moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

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

RESOLUTION NO. 8022 introduced by Mayor Bill Bunten on behalf of the Governing Body and the City Manager concerning programs and initiatives for the City was presented.

Mayor Bunten explained the programs and initiatives proposed by the Governing body that would address community concerns and how best to fund the programs.

Councilmember Blackburn moved to amend the resolution by deleting lines 64 through 69 relating to the intended use of proceeds from sales tax being used for infrastructure

maintenance and repairs. The motion seconded by Councilmember Kennedy carried.

Councilmember Ortiz voted “no.” (7-1-0)

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

RESOLUTION NO. 8023 introduced by City Manager Norton N. Bonaparte, Jr., setting the public hearing for Improvement Project No. 70196-02 which provides for the construction of MacVicar Avenue from SW 6th Street to Interstate 70, 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. (8-0-0)

A COMMUNICATION from Councilmembers Brett Blackburn, Lana Kennedy, Deborah Swank, Jeff Preisner and Jack Woelfel approving the lease purchase of a helicopter for the Police Department and authorizing the City Manager to enter into a lease purchase contract on behalf of the City of Topeka, was presented. (*City of Topeka Contract No. 37914*)

Councilmember Blackburn reported that the terms of the lease purchase agreement would not require a payment from the City of Topeka until May of 2008. He stated that there is no reason to believe that the helicopter purchase could not be paid for with seizure funds, Police Department Equipment funds, possibly grants, proceeds of the sell of the Switzer helicopter, and funds generated from the new interdiction program.

Councilmember Blackburn moved to approve the communication. The motion was seconded by Councilmember Kennedy.

Mayor Buntun questioned if the Police Department Equipment fund could be used for the purchase of a new helicopter.

Ron Miller, Police Chief stated that the Police Department Equipment fund could be used for the purchase if deemed so by the City Council and City Administration.

Councilmember Alcalá stated that he would oppose the communication because a new helicopter could have been purchased with the amount of funding that would have been saved by consolidating certain City and County departments. He also stated that he believes the manner in which the proposal was presented to the Council was unfair to the public.

The motion to approve the communication carried. Councilmembers Alcalá, Ortiz and Harmon voted “no.” (5-3-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 112-71 concerning administrative hearings and specifically repealing said original section 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 901 SW Topeka Boulevard from “O&I-2” Office and Institutional District TO “C-2” Commercial District was presented for first reading. (Z07/25)

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 518 and 522 SW 39th Street, and property located at the southwest corner of SW Topeka Boulevard and SW 39th Street from “R-1” Single Family Dwelling District TO “C-4” Commercial District was presented for first reading. (Z07/26)

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

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

Councilmember Alcala questioned why the final draft of the Information Technology Consolidation Proposal was sent to the Shawnee County Commission for review. He also asked the City Manager for the following information:

- How the cash flow from the Group Health Insurance Plan works, and where the City's portion of funding would be paid from;
- The pay out of the 501 fund and how many funds are in the investment pool; and
- If there is an ordinance that administers the pay out process.

Councilmember Ortiz thanked the Landlord Association for assisting an elderly gentleman with bringing his property into compliance.

Mayor Bunten expressed concern with the controversy surrounding the City-County IT Departmental Consolidation in regards to the management of the consolidated department.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:50 p.m.

Brenda Younger
City Clerk