

Council Minutes – January 8, 2008

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 8, 2008. 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, Councilmember Ortiz gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION recommending the appointment of Nick Cobos to the City of Topeka ADA Advisory Council for a term that would expire on January 31, 2010 was presented.

Minutes of the regular meeting of December 18, 2007 were presented.

A 2008 Cereal Malt Beverage License renewal application bearing the approval of the Chief of Police and City Inspectors for Miami Tavern & Grill located at 3026 NE Seward, was presented.

2008 Dance Hall License renewal applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

<u>Business</u>	<u>Address</u>
Joletta's	600 NW Paramore
Stingers	2335 NW Clay

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

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, January 8, 2008, at 6:00 P.M. in conjunction with vacation request V07E/16 by Kansas Medical Mutual Insurance Company requesting to vacate a 20-foot utility easement in the Original Town of Topeka and located west

of 1021 SW Tyler Street, City of Topeka, Shawnee County, Kansas.

ORDINANCE NO. 19010 introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 20-foot utility easement in the Original Town of Topeka and located west of 1021 SW Tyler Street, City of Topeka, Shawnee County, Kansas placed on first reading December 18, 2007 was again presented. (V07E/16)

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 Ortiz 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.

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, January 8, 2008, at 6:00 P.M. on the advisability of Trafficway Improvement Project No. 70196-02 which provides for the construction of MacVicar Avenue from SW 6th Street to Interstate 70.

A PROJECT BUDGET in the amount of \$6,879,212 and RESOLUTION NO. 8026 introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and adopting as amended Trafficway Improvement Project No. 70196-02 which provides for construction of MacVicar Avenue from SW 6th Street to Interstate 70, pursuant to K.S.A. 12-6a01, et seq., as amended, and rescinding City of Topeka Resolution of Advisability and Authorization No. 7757 was presented.

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

Councilmember Preisner moved to close the public hearing, and approve the project budget and resolution. The motion was seconded by Councilmember Kennedy.

Mayor Bunten asked why an increase to the project budget was requested.

Mike Teply, Interim Public Works Director stated that an increase to the project budget was requested due to a change in the preliminary project estimates from 2002. He explained that there have been substantial changes in the project configuration, as well as, area drainage issues that have arose regarding the storm water system. He noted that the City would receive additional federal funding to assist with the cost of the project.

Councilmember Haynes asked why the project was not financed 100% by the benefit district. He also asked why they did not consider expanding MacVicar Avenue to only three lanes.

Mike Teply stated that it was determined that the City should absorb a portion of the improvement costs because MacVicar Avenue is considered a main arterial street into the city from Interstate 70, and the improvements would help resolve some of the drainage issues.

Councilmember Blackburn stated that initially a three-lane proposal was considered; however, the City was informed that federal funding would be lost if the proposal was approved.

The motion to close the public hearing, and approve the project budget and resolution carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$400,000 and ORDINANCE NO. 19011 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-241000.00 (HTE 241190), which provides for construction of a sidewalk along SE California Avenue, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 18, 2007 was again presented.

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

Fred Martinez, area resident spoke in support of the project.

Councilmember Woelfel moved to approve the project budget and 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.

A PROJECT BUDGET in the amount of \$105,300 and ORDINANCE NO. 19012 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 30268, which provides for a new air conditioning system for the gymnasium at Garfield Community Center, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 18, 2007 was again presented.

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

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

Mayor Bunten questioned the necessity of the project. He stated that he believes the funds could be better utilized on other projects that are higher priority.

Terry Bertels, Interim Parks and Recreation Director stated that air-conditioned gymnasiums are a requirement by large organizations when hosting sporting events. He noted that the events would generate additional revenue for the City.

Councilmember Preisner stated that he believes the project is necessary because it contributes to the health and safety of the public during summer months.

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

Mayor Bunten requested that items 7A, 7B and 7C under New Business be considered at the same time. He noted that the resolutions relate to conveying the title of properties to Payless ShoeSource Companies.

Upon hearing no objections, Mayor Bunten announced that the items would be considered successively.

RESOLUTION NO. 8027 introduced by City Manager Norton N. Bonaparte, Jr. concerning Taxable Industrial Revenue Bonds, Series 1997-A (Payless ShoeSource Distribution, Inc. Project) authorizing the City of Topeka, Kansas, to convey title of the facility to Payless Shoesource Worldwide, Inc., was presented.

RESOLUTION NO. 8028 introduced by City Manager Norton N. Bonaparte Jr. concerning Industrial Revenue Bond Issue, Series 1979 (Volume Shoe Corporation Project) authorizing the City of Topeka, Kansas, to convey title of the facility to Payless Shoesource Distribution, Inc., was presented.

RESOLUTION NO. 8029 introduced by City Manager Norton N. Bonaparte, Jr. concerning Taxable Industrial Revenue Bonds, Series 1987-A (Volume Shoe Corporation Computer Facility Project) and authorizing the City of Topeka, Kansas, to convey title of the facility to Payless Shoesource Worldwide, Inc., was presented.

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

Brenden Long, City Attorney stated that the resolutions authorize the transfer of facility titles between the City of Topeka and Payless ShoeSource Companies. He also stated that all terms of the bond lease agreements have been met.

Councilmember Harmon asked if the documents include verbiage that would release the City of their liability of the property.

Brenden Long confirmed that the bond documents include indemnification clauses that release the City of all liability.

Councilmember Preisner moved to approve the resolutions (items 7A, 7B and 7C). The motion seconded by Councilmember Kennedy carried unanimously. (9-0-0)

ORDINANCE NO. 19013 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of December 3, 2007, through December 9, 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. Councilmember Alcala voted “no.” (8-1-0)

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

ORDINANCE NO. 19014 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of December 10, 2007, through December 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 Preisner moved to adopt the ordinance. The motion seconded by Councilmember Swank carried. Councilmember Alcala voted “no.” (8-1-0)

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

ORDINANCE NO. 19015 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of December 17, 2007, through December 23, 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 Ortiz carried. Councilmember Alcalá voted “no.” (8-1-0)

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

ORDINANCE NO. 19016 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 716 and 720 SW Jackson Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 placed on first reading December 18, 2007 was again presented. (HL07/07)

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

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

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.

ORDINANCE NO. 19017 introduced by City Manager Norton N. Bonaparte, Jr., designating real property more specifically described herein as an historic landmark and

presently zoned “M-2” Multiple-Family Dwelling District and located at 1118 SE Madison Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 placed on first reading December 18, 2007 was again presented. *(HL07/08)*

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

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

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.

AN ORDINANCE introduced by City Manager Norton Bonaparte concerning driving under the influence of alcohol or drugs, amending Standard Traffic Ordinance Section 30 and repealing the original Section was presented for first reading.

AN ORDINANCE 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, and located at the northwest corner of SW Wanamaker Road and SW 53rd Street within unincorporated Shawnee County, Kansas, and contiguous with the City of Topeka corporate limits, and said land being annexed for all City purposes was presented for first reading. *(A07/7)*

AN ORDINANCE introduced by Councilmember Richard Harmon amending City of Topeka Code Section 2-29 concerning the adding of items to City Council agendas and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by Councilmember Brett Blackburn, amending City of Topeka Code Section 50-26 concerning court costs and fees, and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by Norton N. Bonaparte, Jr., relating to the Capital City Downtown Business Improvement District, establishing a service fee levy for 2008, amending City of Topeka Code Section 42-38 and specifically repealing said original section pursuant to K.S.A. 12-1781, et seq., 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 the funeral arrangements for former City of Topeka Mayor Butch Felker.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:39 p.m.

Brenda Younger
City Clerk